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Presidential Documents

Title 3—

The President

Proclamation 6567 of May 28, 1993

Emergency Medical Services Week, 1993 and 1994

By the President of the United States of America

A Proclamation

Emergency medical services personnel provide a vital public service 24 hours a day, 7 days a week. Traumatic injury is the leading cause of death and disability for men, women, and children between the ages of 1 and 44 years. Each year, injuries account for more than 140,000 deaths, over 2 million hospitalizations, and more than 80,000 permanent disabilities.

Inclusive emergency medical systems play a significant role in reducing mortality and disability due to injuries. Quality emergency medical care saves lives and reduces disability by linking pre-hospital, hospital, and rehabilitation services that provide optimal care for all Americans.

Americans benefit daily from the dedication and immediate care provided by physicians, emergency nurses, emergency medical technicians, paramedics, fire fighters, educators, administrators, and others who serve in coordinated systems of emergency care. Emergency medical care providers dedicate thousands of hours to specialized training and continuing education to enhance and maintain their lifesaving skills. Two-thirds of these individuals are volunteers, many of whom serve in rural areas of the country.

Since the initial efforts to establish emergency medicine as a medical specialty 25 years ago, emergency medical care providers have continually advanced standards of practice in the emergency management of traumatically injured persons. Their efforts have resulted in the development of systems to improve trauma care planning, regionalized systems of trauma care, and an increased public awareness of the effects of injury and their prevention.

We salute our Nation's emergency medical services providers. Their daily efforts affect millions of men, women, and children who suffer from acute illness or injury by returning them to productive lives.

The Congress, by House Joint Resolution 78, has designated the weeks beginning May 23, 1993, and May 15, 1994, as "Emergency Medical Services Week" and has authorized and requested the President to issue a proclamation in observance of the event.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the weeks of May 23 through 29, 1993, and May 15 through 21, 1994, as Emergency Medical Services Week. I call upon all Americans to observe this period with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of May, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

William J. Clinton

[FR Doc. 93–13484
Filed 6–3–93; 2:43 pm]
Billing code 3195–01–P

Presidential Documents

Proclamation 6568 of May 31, 1993

Time for the National Observance of the Fiftieth Anniversary of World War II, 1993

By the President of the United States of America

A Proclamation

Americans live in an era when there are no major confrontations between world powers. This period of peace traces its roots back 50 years to the Second World War. Our Armed Forces stood strong against totalitarian regimes that sought to dominate and suppress freedom-loving peoples of the world. Although Americans felt ill-equipped to take on the vast international responsibilities, we rose to take on world leadership. In the process, we learned the price of aggression and the benefits of peace.

At the end of the Cold War, it is therefore fitting to remember the years of World War II and those brave and selfless American patriots who stood strong and true against tyranny so that we could enjoy a safer and more prosperous life. President Franklin D. Roosevelt's thoughts about the time still apply today:

> We are faced with the pre-eminent fact that, if civilization is to survive, we must cultivate the science of human relationship—the ability of all people, of all kinds, to live together and work together in the same world, at peace. . . .

Our generation and future generations must heed these words. In a world warmed by the sunshine of freedom, but threatened still by ancient hatreds and new plagues, the United States of America must stand as a beacon of liberty and justice.

During this period of remembrance and reflection, it is appropriate that Memorial Day be included during the "Time for the National Observance of the Fiftieth Anniversary of World War II." As we preserve the memory of the events of World War II and honor the memory of our loved ones lost during that tragic time, I call upon Americans to study the history of that era so that the values our Nation defended and the lessons we learned will never be forgotten. I ask that we celebrate freedom and peace in our houses of worship and in our halls of government, in private thanksgiving and public ceremonies, and that we remember and honor our Nation's World War II veterans.

The Congress, by House Joint Resolution 80, has designated May 30, 1993, through June 7, 1993, as a "Time for the National Observance of the Fiftieth Anniversary of World War II."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby designate May 30, 1993, through June 7, 1993, as a Time for the National Observance of the Fiftieth Anniversary of World War II. I call upon all Americans to observe this period with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

William J. Clinton

[FR Doc. 93–13485
Filed 6–3–93; 2:44 pm]
Billing code 3195–01–P

Editorial note: For the President's remarks honoring the fiftieth anniversary of World War II, see the *Weekly Compilation of Presidential Documents* (vol. 29, issue 22).

Presidential Documents

Proclamation 6569 of June 3, 1993

Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Formulate or Implement Policies That Are Impeding the Negotiations Seeking the Return to Constitutional Rule in Haiti

By the President of the United States of America

A Proclamation

In light of the political crisis in Haiti resulting from the expulsion from Haiti of President Aristide and the constitutional government, I have determined that it is in the interests of the United States to restrict the entry to the United States of certain Haitian nationals who formulate, implement, or benefit from policies that impede the progress of the negotiations designed to restore constitutional government to Haiti, and the immediate families of such persons.

NOW, THEREFORE, I, WILLIAM J. CLINTON, by the power vested in me as President by the Constitution and laws of the United States of America, including section 212(f) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code, hereby find that the unrestricted immigrant and nonimmigrant entry into the United States of persons described in section 1 of this proclamation would, except as provided for in sections 2 or 3 of this proclamation, be detrimental to the interests of the United States. I do therefore proclaim that:

Section 1. The entry into the United States as immigrants and nonimmigrants of persons who formulate, implement, or benefit from policies that impede the progress of the negotiations designed to restore constitutional government to Haiti, and the immediate family members of such persons, is hereby suspended.

Sec. 2. Section 1 shall not apply with respect to any person otherwise covered by section 1 where the entry of such person would not be contrary to the interests of the United States.

Sec. 3. Persons covered by sections 1 and 2 shall be identified pursuant to procedures established by the Secretary of State, as authorized in section 6 below.

Sec. 4. Nothing in this proclamation shall be construed to derogate from United States Government obligations under applicable international agreements.

Sec. 5. This proclamation is effective immediately and shall remain in effect until such time as the Secretary of State determines that it is no longer necessary and should be terminated.

Sec. 6. The Secretary of State shall have responsibility to implement this proclamation pursuant to procedures the Secretary may establish.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of June, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

William J. Clinton

[FR Doc. 93–13509
Filed 6–3–93; 4:30 pm]
Billing code 3195–01–P

Editorial note: For the President's statement on sanctions against Haiti, see the *Weekly Compilation of Presidential Documents* (vol. 29, issue no. 22)

Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 932

[No. 93–47]

Modification of Federal Home Loan Bank Director Eligibility Requirements

AGENCY: Federal Housing Finance Board.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Board (Board) is finalizing the provisions of an interim final rule published in the **Federal Register** on January 11, 1993, see 58 FR 3487 (Jan. 11, 1993), which contained technical amendments to the Board's regulation on eligibility of Federal Home Loan Bank (FHLBank) directors. The amendments contained in the interim final rule, and now adopted in final form, are intended to enable the Board to devote more time to the review of FHLBank director's qualifications for eligibility.

EFFECTIVE DATE: Effective date is July 7, 1993.

FOR FURTHER INFORMATION CONTACT: Patricia L. Sweeney, Program Analyst, District Banks Directorate, (202) 408–2872; Brandon B. Straus, Attorney-Advisor, Office of Legal and External Affairs, (202) 408–2589, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

I. Background

This final rule is issued under the Board's statutory authority in section 7(d) of the Federal Home Loan Bank Act (Bank Act), 12 U.S.C. 1427(d), to prescribe rules for the nomination and election of FHLBank directors and under the Finance Board's general rulemaking authority in section 2B(a)(1). See id. sec. 1422b(a)(1). On January 11, 1993, the Board published in the **Federal Register** an interim final rule containing certain technical revisions to its regulation on eligibility of FHLBank directors. See 58 FR 3487, Jan. 11, 1993. Although the interim final rule was effective immediately upon publication, the Board invited interested persons to submit written comments through March 11, 1993, which would be taken into consideration in developing a final rule.

II. Analysis of the Final Rule

A. Introduction

This final rule amends the Board's regulations on FHLBank director eligibility. The Board's regulations on FHLBank director eligibility require incumbent directors, nominees for elective director (director nominees), and candidates for appointive director (director candidates) to submit to the Board a certification that they meet certain statutory and regulatory eligibility requirements as well as a statement of disclosure of certain financial relationships. See 12 CFR 932.18(f), 932.21(g). These certifications and disclosures must be made by completing Personal Certification and Disclosure Forms (Forms), denominated A–1, A–2, E–1, or E–2. These forms have been approved by the Office of Management and Budget (OMB) and have been assigned OMB control number 3069–0002. Satisfactory completion of the Forms is a prerequisite for incumbent elective and appointive directors to remain eligible to serve on a FHLBank Board. Satisfactory completion of the Forms is also a prerequisite to the ratification of the election of director nominees and the appointment of director candidates by the Board.

The final rule revises the dates by which all incumbent FHLBank directors must submit their Forms to the Board and clarifies the date by which nominees for elective director must submit their Forms to the Board. The final rule also changes the date by which the Board must announce the results of the election of FHLBank directors. In addition, the final rule contains several other technical amendments discussed below. The amendments contained in the final rule were published in the **Federal Register** on January 11, 1993, as an interim final rule. The final rule contains the amendments in the interim final rule with minor modification.

B. Section-by-Section Analysis

Section 932.13(c) of the final rule changes the language of § 932.13(c) of the Board's regulation on the nomination of director nominees. Prior to its amendment by the interim final rule, the Board's regulation governing the nomination of director nominees required each director nominee to complete a "questionnaire" and return it to the Board prior to August 20 in order for the director nominee's name to be placed on the ballot for the next election. *Id.* § 932.13(c)(3). In practice, the Board now requires that director nominees fill out and return to the Board by August 20 that portion of Form E–1 in which director nominees certify that they meet all statutory and regulatory eligibility requirements for election. The Board no longer uses a "questionnaire." Therefore § 932.12(c) of the final rule changes the regulatory language to reflect this practice.

Section 932.14(d) of the final rule changes the date by which the Board must announce the election of FHLBank directors from November 15 to December 31 in order to ensure that the Board will have sufficient time to review Forms of director nominees before ratifying their election.

The Board must, by regulation, wait until 5 p.m. on October 25 before opening the ballots in the election of FHLBank directors. *Id.* § 932.14(c). It is the current Board practice to wait until after the ballots have been opened to require those director nominees with the highest number of votes for each directorship to complete a Form E–1. The reason for this practice is that the Board wishes to require disclosure of personal financial relationships only by director nominees whose election has some likelihood of being ratified by the Board.

The November 15 date prescribed by the prior Board regulation allowed only three weeks, from October 25 to November 15, for director nominees to submit their Forms and for the Board to review them before the election results must be announced. Section 932.14(c) of the final rule therefore changes the announcement date to December 31. The Board does not intend to delay the announcement of elections results until December 31 if the Board can ratify the results prior to that date.

Section 932.18(f) of the prior Board regulation required appointive directors to certify annually on November 15 of each year on Form A–1 or A–2, as applicable, that he or she meets all applicable eligibility requirements for his or her appointment. Section 932.18(f) of the final rule changes the date by which incumbent appointive directors must submit Form A–2 to the Board from November 15 of each year to March 1 of each year. This change is intended to allow the Board more time to review the Forms of director candidates and director nominees. As a result of this change, the Board no longer faces the task of reviewing the Forms of incumbent directors during the same time frame that it is reviewing the Forms of appointive director candidates and elective director nominees.

In order to avoid duplicative certification and disclosure requirements for newly appointed directors, appointive directors who submitted a Form A–1 in October, November, or December of the year prior to the year in which their appointment took effect would be exempt from submitting a Form A–2 by March 1 of the following year.

As a consequence of this exemption, appointive directors who submitted Form A–1 in October, November, or December of the year prior to the year in which their appointment took effect will not be required to submit a Form for up to a seventeen month period: From October 1 of the year prior to the year in which their appointment was effective to March 1 of the second year of their terms. The Board believes that allowing first-year appointive directors to serve several added months before they are required to meet the certification and disclosure requirements as incumbent directors poses minimal risk to the FHLBanks and the FHLBank System because incumbent appointive directors are required by regulation to report, on their own initiative, any ineligibility or suspected ineligibility to the Board within thirty days of occurrence. See *id.* § 932.18(f)(2).

Section 932.18 of the final rule also clarifies that incumbent appointive directors who are candidates for reappointment must, along with all other director candidates, submit a Form A–1 to the Board prior to being reappointed.

Section 932.21(d)(2) of the final rule amends the Board's regulation governing the eligibility of a person who was an officer or director of a member institution that did not meet its minimum regulatory capital requirements and therefore was ineligible to be an elective director. See *id.* § 932.21(d)(2). Prior to amendment, the regulation provided that a "director" who was formerly ineligible is once again eligible in the succeeding calendar year if the member that he or she serves as an officer or director meets the minimum regulatory capital requirements during each phase of the election process for the succeeding calendar year. *Id.* The final rule clarifies the regulation by expressly making it applicable to a "person" who was formerly ineligible rather than a "director" who was formerly ineligible. This change is intended to clarify the Board's intent and to reflect current Board practice of applying the regulation not only to elective directors who become ineligible, but to any person who might have been ineligible to serve as a director because he or she was employed by a member that did not meet its minimum regulatory capital requirements. This change is also intended to make the regulation's language parallel the language of § 932.21(d)(1), which defines the period during which a "person" who is an officer or director of a member that fails to meet minimum regulatory capital requirements is ineligible to be an elective director. *Id.* at § 932.21(d)(1).

Section 932.21(d)(2) also redefines the time frame during which a member must meet minimum regulatory capital requirements in order for a formerly ineligible person to once again be eligible to be an elective director. The final rule does not change the time frame, but it defines the time frame in terms of the calendar year rather than in terms of each "phase of the election process."

Section 932.21(g) of the final rule changes the date by which incumbent elective directors must submit Form E–2 to the Board from December 1 of each year to March 1 of each year. This change parallels the date change for submission of Forms by incumbent appointive directors in § 932.18(f) and is made for the same reasons.

In order to avoid duplicative certification and disclosure requirements for newly elected directors, elective directors who submitted a Form E–1 in the year in which they were elected would be exempt from submitting a Form E–2 by March 1 of the following year. As a consequence of this exemption, newly elected directors will not be required to submit Forms for up to a sixteen month period: From late October of the year in which they were elected to March 1 of the second year of their terms. The Board believes that allowing first-year elective directors to serve several added months before they are required to meet the certification and disclosure requirements as incumbent directors poses minimal risk to the FHLBanks and the FHLBank System because incumbent elective directors are required by regulation to report, on their own initiative, any ineligibility or suspected ineligibility to the Board within thirty days of occurrence. See *id.* § 932.21(g)(2).

Section 932.21 of the final rule also changes the language of the Board regulation governing the certification and disclosure requirements for director nominees. Prior to amendment, the elective director eligibility regulation required that "[p]rior to each election," director nominees must certify in Form E–1 that they meet certain statutory and regulatory eligibility requirements and must disclose to the Board certain financial relationships. See *id.* § 932.21(g)(1), (3). However, as explained above, it is the current Board practice to wait until after the ballots have been opened to require those director nominees with the highest number of votes for each directorship to complete a Form E–1, so that only director nominees whose election has some likelihood of being ratified by the Board will be required to disclose personal financial relationships.

In order to reflect this practice, the final rule replaces the phrase "[p]rior to each election" in subparagraphs (g)(1) and (g)(3) of § 932.21 with "[p]rior to the ratification of the election results by the Board." This change is intended to make clear that director nominees are not required to disclose their financial relationships to the Board on Form E–1 until after members cast their ballots and the results are tabulated. See *id.* § 932.14(c). However, director nominees must submit the completed Form E–1 before the Board will ratify their election and declare the election results.

The Board recognizes that those director nominees who must fill out Form E–1 prior to ratification of their election by the Board will have filled out the certification section of Form E–1 twice: Once by August 20 in order to have his or her name placed on the ballot and again after the election when disclosing his or her financial relationships. The purpose of requiring director nominees to again certify eligibility after the election is to ensure that director nominees are still eligible to be FHLBank directors at the time the Board ratifies their election. Further, by certifying their eligibility after they are elected, director nominees are exempted from submitting a Form E–2 during the following year.

During the sixty-day comment period following publication of the interim final rule, the Board received one comment letter from a trade association, which supported the Board's revisions. The commenter stated that the allocation of additional time to the review of Forms is appropriate and does not cause any risk to the Board or to the FHLBanks. Further, the exceptions to the filing requirement for newly elected elective directors and certain newly appointed directors, see 58 FR 3488, 3490 (Jan. 11, 1993), reduces the regulatory burden on those directors, on the FHLBanks, and on the Board.

III. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires that a regulatory flexibility analysis be prepared whenever an agency promulgates a proposed or final rule after being required by the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, to publish a general notice of proposed rulemaking pursuant to APA section 553. See 5 U.S.C. 553, 603(a), 604(a). The Board was not required to publish a general notice of proposed rulemaking for its interim final rule because the Board found good cause that notice and comment was unnecessary and contrary to the public interest in the adoption of the interim final rule. See *id.* section 553(b)(3)(B); 58 FR 3489. Further, the rule comes within the exception to the notice and comment requirement for rules of agency procedure, under APA subsection 553(b)(3)(A). See 5 U.S.C. 553(b)(3)(A); 58 FR 3489. Since the Board was not required to publish a general notice of proposed rulemaking in connection with the interim final rule, the Board is not required to prepare a regulatory flexibility analysis for this final rule.

The final rule does not impose any new reporting requirements. It merely changes the deadlines by which existing requirements must be met. The final rule therefore will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 12 CFR Part 932

Banks, Banking, Conflict of interests, Elections, Ethical conduct, Federal home loan banks, Financial disclosure, Reporting and recordkeeping requirements.

Accordingly, chapter IX, title 12, part 932, Code of Federal Regulations is hereby amended as follows:

PART 932—ORGANIZATION OF THE BANKS

1. The authority citation for part 932 is revised to read as follows:

Authority: 12 U.S.C. 1422a, 1422b, 1426, 1427, 1464; 18 U.S.C. 207; 42 U.S.C. 8101 *et seq.*

2. Section 932.13 is amended by revising the first two sentences of the paragraph (c) concluding text to read as follows:

§ 932.13 Designation and nomination of elective directorship.

* * * * *

(c) * * *

With such letter will be sent a list of nominees and a copy of Form E–1. Each nominee must certify to the Board on Form E–1 by August 20 that such nominee meets all applicable eligibility qualifications for his election set forth in section 7 of the Act and this part. * * *

* * * * *

3. Section 932.14 is amended by revising the first sentence of paragraph (d) to read as follows:

§ 932.14 Election of directors.

* * * * *

(d) By December 31, the Board shall declare elected the candidate receiving the highest number of votes cast, and where two or more directorships are to be filled from the ballot, the Board shall declare elected each candidate receiving the next succeeding highest number of votes until the number of candidates declared elected equals the number of directorships to be filled. * * *

* * * * *

4. Section 932.18 is amended by revising paragraphs (f)(1) and (f)(3) introductory text to read as follows:

§ 932.18 Appointive director eligibility.

* * * * *

(f) *Certification and reporting.* (1) Prior to the initial appointment and prior to any reappointment, each director candidate for appointive director shall certify in writing to the Board on Form A–1 that he or she meets all applicable eligibility qualifications for his or her appointment set forth in section 7(a) of the Act and this part. By March 1 of each year during the term of the directorship, each appointive director shall certify in writing to the Board on Form A–2 that he or she meets all applicable eligibility qualifications for his or her appointment set forth in section 7(a) of the Act and this part, except that any appointive director who submitted Form A–1 to the Board in October, November, or December of the year prior to the year in which his or her appointment or reappointment took effect is not required to submit Form A–2 by March 1 of the year in which the appointment or reappointment took effect.

* * * * *

(3) Prior to the initial appointment and prior to any reappointment, each director candidate for appointive director shall fully disclose in writing to the Board on Form A–1 the financial relationships (as defined in § 931.30 of this chapter) set forth in paragraphs (f)(3) (i), (ii), (iii), and (iv) of this section of such director candidate. By March 1 of each year during the term of directorship, each appointive director shall fully disclose in writing to the Board on Form A–2 the financial relationships (as defined in § 931.30 of this chapter) set forth in paragraphs (f)(3) (i), (ii), (iii), and (iv) of this section of such appointive director, except that any appointive director who submitted a Form A–1 to the Board in October, November, or December of the year prior to the year in which his or her appointment or reappointment took effect is not required to submit a Form A–2 by March 1 of the year in which the appointment or reappointment took effect.

* * * * *

5. Section 932.21 is amended by revising paragraphs (d)(2), (g)(1), and (g)(3) to read as follows:

§ 932.21 Elective director eligibility.

* * * * *

(d) * * *

(2) A person who is ineligible pursuant to paragraph (d)(1) of this section shall once again be eligible for election in the next succeeding calendar year in which the member(s) he or she serves as an officer or director meet(s) the applicable minimum regulatory capital requirements throughout the entire calendar year. Such compliance with applicable minimum regulatory capital requirements shall not be satisfied by the granting of an exemption or exception to such capital requirements by the appropriate federal regulatory agency.

* * * * *

(g) *Certification and reporting.* (1) Prior to the ratification of the election results by the Board, each director nominee for elective director shall certify in writing to the Board on Form E–1 that he or she meets all applicable eligibility qualifications for his or her election set forth in section 7 of the Act and this part. By March 1 of each year during the term of directorship, each elective director who was not elected in the immediately preceding year shall

certify in writing to the Board on Form E–2 that he or she meets all applicable eligibility qualifications for his or her election set forth in section 7 of the Act and this part.

* * * * *

(3) Prior to the ratification of the election results by the Board, each director nominee for elective director shall fully disclose in writing to the Board on Form E–1 any financial relationships, (as defined in § 931.30 of this chapter) set forth in § 932.18(f)(3) of this part, of such director nominee. By March 1 of each year thereafter during the term of the directorship, each elective director who was not elected in the immediately preceding year shall fully disclose in writing to the Board on Form E–2 any financial relationships (as defined in § 931.30 of this chapter), set forth in § 932.18(f)(3) of this part, of such elective director.

* * * * *

By the Federal Housing Finance Board.

Daniel F. Evans, Jr.,

Chairman.

[FR Doc. 93–13276 Filed 6–4–93; 8:45 am]

BILLING CODE 6725–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–ANE–22; Amendment 39–8530; AD 93–06–05]

Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Pratt & Whitney (PW) JT8D series turbofan engines, that requires initial and repetitive inspections of installed third and fourth stage low pressure turbine (LPT) blade sets for blade shroud crossnotch wear, and removal of blade sets found with excessively worn blade shroud crossnotches. This amendment is prompted by reports of 19 uncontained LPT blade fracture events. The actions specified by this AD are intended to prevent inflight engine shutdown, engine cowl release, or uncontained engine debris penetrating the aircraft.

DATES: Effective on July 7, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 7, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Pratt & Whitney, Technical Publications Department, M/S 132–30, 400 Main Street, East Hartford, Connecticut 06108. This information may be examined at the Federal Aviation Administration (FAA), Office of Assistant Chief Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: John E. Golinski, Aerospace Engineer, Engine Certification Office, ANE–140, FAA, New England Region, Engine and Propeller Directorate, Aircraft Certification Service, 12 New England Executive Park, Burlington, Massachusetts 01803–5299, telephone (617) 273–7121; fax (617) 270–2412.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to Pratt & Whitney (PW) JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –17, and 17R turbofan engines was published in the Federal Register on August 26, 1992 (57 FR 38627). That action proposed to require repetitive inspections for excessive low pressure turbine (LPT) blade shroud crossnotch wear, and replacement as necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter proposes to increase the initial inspection interval of 6,000 cycles in service (CIS) or hours time in service (TIS) to 10,000 CIS or hours TIS for PW JT8D–7, –7A, and –7B engines. The FAA does not concur. The FAA has determined that sufficient technical substantiation or service experience does not exist to support the increase in CIS or hours TIS for these engine models. However, if new information becomes available at a later date that would justify a revision of this action, the FAA may consider further rulemaking at that time.

One commenter notes that the proposed rule requires an hourly TIS limit along with a CIS limit, and states that the hourly limit imposes a hardship due to the resulting increase in manpower requirements to perform the inspections and aircraft scheduling to a maintenance station. The operator requests to remain with the CIS limit defined in Revision 3 and previous revisions of PW Alert Service Bulletin (ASB) No. 5913. The FAA does not concur. Service history and technical evaluation indicate that the wear rate can be influenced by both hours TIS and CIS.

One commenter recommends the fourth stage LPT containment hardware described in PW Service Bulletin (SB) No. 5697 and PW SB No. 5928 be installed as an option to the fourth stage LPT containment hardware described in PW ASB No. 6039. The FAA does not concur. Service history has shown that there have been uncontained events as a result of a third or fourth stage LPT blade failure on engines incorporating either PW SB No. 5697 or PW SB No. 5928 fourth stage LPT containment hardware. The current program, as defined in PW ASB No. 6039, allows the installation of fourth stage LPT containment hardware as described in PW SB No. 5928 with certain modifications that increase the containment capability.

One commenter states that the Applicability paragraph of the AD should include third stage turbine blades installed in accordance with PW SB No. 5331. The commenter states that this addition would help avoid potential confusion relative to the inspection requirements, and would be consistent with subsequent paragraphs of the AD. The FAA concurs and the Applicability paragraph has been changed.

One commenter states that the AD should exempt engines incorporating the third stage LPT containment hardware described in the Applicability paragraph from the third stage turbine blade inspections required by paragraph (a)(1) of the Compliance paragraph of this AD. The FAA does not concur. Only third stage turbine blade sets installed in accordance with PW SB No. 5331 are exempt from third stage turbine blade inspections. These blade sets have experienced no failures due to crossnotch wear. Installation of third stage LPT containment hardware without installing third stage blade sets in accordance with PW SB 5331 are not exempt from the third stage LPT blade inspections on engines that do not incorporate the fourth stage LPT containment hardware.

One commenter does not agree with imposing a requirement to install LPT containment hardware. The FAA is not requiring installation of LPT containment hardware in this AD. This AD addresses third and fourth stage LPT blade set inspections. However, the FAA is currently reviewing the need to require the installation of LPT containment hardware and may consider further rulemaking.

One commenter questions whether the phrase "unless accomplished previously" in the Compliance paragraph of this AD means that third or fourth stage LPT containment hardware or PW SB No. 5331 third stage turbine blade sets described in the Applicability paragraph must be installed prior to the effective date of this AD in order for engines to be exempt from the inspection program. The FAA understands the commenters concerns and provides the following clarification: If the third and fourth stage LPT containment hardware, or the fourth stage LPT containment hardware and PW SB No. 5331 third stage turbine blade sets are installed, then the AD inspection program is not applicable as defined in the Applicability paragraph. This hardware can be installed prior to, on, or subsequent to the effective date of this AD and once installed the AD inspection program is no longer applicable.

One commenter states there is a misleading reference in paragraph B(4) of Part 2 of the Accomplishment Instructions of PW ASB No. 5913. The FAA understands the commenters concern regarding this paragraph and has advised Pratt & Whitney of the commenter's concern. However, this particular paragraph is not applicable to this AD.

One commenter requests an increase in the reinspection interval of the third and fourth stage turbine blade sets from 2000 hours TIS or CIS to 3000 hours TIS or CIS. The FAA does not concur. The FAA has determined that sufficient technical substantation or service experience does not exist to justify the increase in the reinspection interval. However, if new information becomes available at a later date that would justify a revision of this action, the FAA may consider further rulemaking at that time.

One commenter recommends that the AD mandate inspections during a shop visit and that this would help reduce the number of on wing inspections. The FAA does not concur. The established inspection program is adequate in preventing a third or fourth stage turbine blade failure and does not impose undue hardship. An operator may optionally perform the inspection when the engine is in the shop as long as the inspection intervals are adhered to.

One commenter requests that the initial and repetitive inspection intervals for the third and fourth stage turbine blade sets be increased for engines that have fourth stage containment hardware installed in accordance with PW SB No. 5697 and PW SB No. 5928. The FAA does not concur. Increasing the inspection interval increases the risk of a blade failure due to excessive crossnotch wear. Furthermore, service history has shown that there have been uncontained events as a result of third and fourth stage turbine blade failures on engines incorporating hardware in accordance with PW SB No. 5697 or PW SB No. 5928.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 9,600 PW JT8D series turbofan engines of the affected design in the worldwide fleet. The FAA estimates that approximately 6,000 engines installed on aircraft of U.S. registry would be affected by this AD, that it would take approximately 1 work hour per engine to accomplish the inspection at $55 per work hour. The estimated cost for performing the inspection is $330,000. The FAA also estimates that approximately 260 engines would be removed from service within 20 cycles or hours in service as a result of the initial inspection results, which will require approximately 123 workhours per engine at $55 per work hour for removal, repair and reinstallation. The estimated labor cost for the 260 engines would be $1,758,900. These engines would also incur an additional cost of $11,538 per engine for the repair and replacement of the third and fourth stage turbine blades. The estimated total cost for the repair and replacement would be $2,999,880. Based on these figures, the estimated total cost impact of this AD is approximately $5,088,780.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93-06-05 Pratt & Whitney: Amendment 39-8530. Docket No. 92-ANE-22

Applicability: Pratt & Whitney (PW) JT8D-1, -1A, -1B, -7, -7A, -7B, -9, -9A, -11, -15, -17, and -17R turbofan engines except those engines containing fan exhaust inner front duct segment assemblies that are installed in accordance with PW Alert Service Bulletin (ASB) No. 6039, Revision 2, dated May 4, 1992, or earlier revisions of PW ASB No. 6039, and either (a) PW honeycomb third stage outer airseal Part Number (P/N) 801931, 802097, 797594, or 798279; or (b) Pyromet Industries, Inc., honeycomb third stage outer airseal P/N PI9336; or (c) McClain International, Inc., honeycomb third stage outer airseal P/N M2433; or (d) a turbine case shield assembly installed in accordance with PW ASB No. 6039, Revision 2, dated May 4, 1992, or earlier revisions of PW ASB No. 6039; or (e) a third stage blade set that has third stage turbine blades that were installed in accordance with PW SB No. 5331, dated October 27, 1982. These engines are installed on but not limited to Boeing 737 and 727 series aircraft, and McDonnell Douglas DC-9 series aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent third and fourth stage low pressure turbine (LPT) blade fractures that can result in an inflight engine shutdown, engine cowl release, or uncontained engine debris penetrating the aircraft, accomplish the following:

(a) Conduct initial and repetitive inspections on installed third and fourth

stage LPT blade sets, and remove and replace with serviceable blade sets, as necessary, in accordance with Part 1 of the Accomplishment Instructions of PW ASB No. 5913, Revision 5, dated August 10, 1992, as follows:

(1) Initially inspect the blade shroud crossnotches of the third stage LPT blade set when specified in paragraphs (a)(1)(i) or (a)(1)(ii) of this AD, whichever occurs later. Engines that contain a third stage blade set that have third stage turbine blades that were installed per the requirements specified in PW Service Bulletin No. 5331, dated October 27, 1982, do not require the third stage blade set inspection.

(i) Inspect within 6,000 cycles or 6,000 hours time in service, whichever occurs first, since new, since the last blade shroud crossnotch inspection specified in Section 72–53–12 of PW JT8D Engine Manual P/N 481672, or since last blade shroud crossnotch repair that was accomplished per the requirements specified in Section 72–53–12 of PW JT8D Engine Manual P/N 481672; or

(ii) Inspect within 1,000 cycles or 1,000 hours time in service, whichever occurs first, after the effective date of this AD.

(2) Initially inspect the blade shroud crossnotches of the fourth stage LPT blade set when specified in paragraph (a)(2)(i) or (a)(2)(ii) of this AD, whichever occurs later. Engines that contain fan exhaust inner front duct segment assemblies that were installed per the requirements of PW ASB No. 6039, Revision 2, dated May 4, 1992, or earlier revisions of PW ASB No. 6039, do not require the fourth stage blade set inspection.

(i) Inspect within 6,000 cycles or 6,000 hours time in service, whichever occurs first, since new, since the last blade shroud crossnotch inspection specified Section 72–53–13 of PW JT8D Engine Manual P/N 481672, or since last blade shroud crossnotch repair that was accomplished per the requirements specified in Section 72–53–13 of PW JT8D Engine Manual P/N 481672; or

(ii) Inspect within 1,000 cycles or 1,000 hours time in service, whichever occurs first, after the effective date of this AD.

(3) Thereafter, reinspect the third and fourth stage LPT blade sets in accordance with the procedures and intervals specified in PW ASB No. 5913, Revision 5, dated August 10, 1992.

(b) An alternative method of compliance or adjustment of the compliance times that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The inspections, and removal, if necessary, of the third and fourth stage LPT blades shall be done in accordance with the following service document:

Document No.	Pages	Issue	Date
PW ASB No. 5913 with Appendix	1	Revision 5	August 10, 1992.
	2	Revision 4	February 20, 1992.
	3–5	Revision 5	August 10, 1992.
	6–7	Revision 3	November 1, 1991.
	8	Revision 5	August 10, 1992.
	9	Revision 4	February 20, 1992.
	10	Revision 5	August 10, 1992.
	11–12	Revision 4	February 20, 1992.
Appendix A	1	Revision 3	November 1, 1991.
	2	Revision 5	August 10, 1992.
	3	Revision 5	November 1, 1991.
	4	Revision 2	September 28, 1990.
	5	Revision 5	August 10, 1992.
	6	Original	April 2, 1990.
	7	Revision 2	September 28, 1990.
	8–14	Original	April 2, 1990.
Total pages: 26.			

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney, Technical Publications Department, M/S 132–30, 400 Main Street, East Hartford, Connecticut 06108. Copies may be inspected at the FAA, Office of Assistant Chief Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on July 7, 1993.

Issued in Burlington, Massachusetts, on May 24, 1993.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 93–13282 Filed 6–4–93; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 93–ANE–24; Amendment 39–8585; AD 92–04–09]

Airworthiness Directives; Teledyne Continental Motors Model IO–360 Series, TSIO–360 Series, LTSIO–360 Series, and Rolls-Royce Motors Model TSIO–360 Series Reciprocating Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule, request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 92–04–09 that was sent previously to all known U.S. owners and operators of Teledyne Continental Motors (TCM) Model IO–360 series, TSIO–360 series, LTSIO–360 series, and Rolls-Royce Motors Model TSIO–360 series reciprocating engines by individual letters. This AD supersedes priority letter AD 92–02–20 R1 to require inspection, and if necessary, rework of the cylinder head rocker shaft pocket. This amendment is prompted by recent data from inspections of affected cylinders that indicates that failure of the rocker shaft stud could occur any time during the service life of the cylinder because of the high alternating stresses imposed on the stud. The actions specified by this AD are intended to prevent engine failure.

DATES: Effective on June 22, 1993, to all persons except those persons to whom it was made immediately effective by priority letter AD 92–04–09, issued on February 18, 1992, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 22, 1993.

Comments for inclusion in the Rules Docket must be received on or before August 6, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–ANE–24, 12 New England Executive Park, Burlington, MA 01803–5299.

The applicable service information may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, AL 36601. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jerry Robinette, Aerospace Engineer, Atlanta Aircraft Certification Office, FAA, Small Airplane Directorate, 1669 Phoenix Parkway, suite 210C, Atlanta, GA 30349; telephone (404) 991–3810; fax (404) 991–3606.

SUPPLEMENTARY INFORMATION: On January 24, 1992, the Federal Aviation Administration (FAA) issued priority letter AD 92–02–20 R1, applicable to Teledyne Continental Motors (TCM) Model IO–360 series, TSIO–360 series, LTSIO–360 series, and Rolls-Royce Motors Model TSIO–360 series reciprocating engines, which currently requires inspection, and if necessary, rework of the cylinder head rocker shaft pocket in accordance with TCM Service Bulletin (SB) No. M92–4, dated January 10, 1992. Priority letter AD 92–02–20, as revised by priority letter AD 92–02–20 R1, was prompted by two reports of rocker shaft hold down stud failure that resulted in engine failure. One failure occurred at 2 hours time in service (TIS) and the other at 6 hours TIS. Analysis shows that these failures were caused by core shift on some cylinder head castings. This situation created interference between the rocker arm shaft and the side of the rocker box wall of the cylinder head casting. The interference caused improper seating of the rocker shaft which led to failure of the rocker shaft hold down stud. This condition, if not corrected, can result in engine failure.

Since the issuance of priority letter AD 92–02–20 R1, TCM has advised the FAA that the torque value for torquing the rocker shaft stud nut as stated in TCM SB No. M92–4, dated January 10, 1992, is incorrect. TCM has issued TCM Service Bulletin M92–4, Revision 1, dated February 5, 1992, correcting the torque value of 75 to 85 inch pounds to 110 to 120 inch pounds.

Based on recent data from inspections of affected cylinders, the FAA has determined that failure of the stud could occur any time during the service life of the cylinder because of the high alternating stresses imposed on the stud. Therefore, the stud failure expectancy interval of 50 hours TIS specified in priority letter AD 92–02–20 R1 is no longer valid.

The FAA has also determined that Rolls-Royce Motors Model TSIO–360 series reciprocating engines are of the same type design and should be added to the applicability.

Since the unsafe condition described is likely to exist or develop on other engines of the same type design, the FAA issued priority letter AD 92–04–09 to prevent engine failure. The AD requires, prior to further flight, inspection, and if necessary, rework of the cylinder head rocker shaft pocket for TCM engines listed by model and serial number in TCM SB No. M92–4, Revision 1, dated February 5, 1992. In addition, Rolls-Royce Motors engines and all other engines containing cylinder assemblies, with cylinder assembly dates between June 1991 through December 1991, and identified by TCM Part Numbers 646924, 649484, 652955, or 653098, and all "A" suffix numbers of these base part numbers, must be inspected, and if necessary, reworked, in accordance with TCM SB No. M92–4, Revision 1, dated February 5, 1992. Engines that have the rocker arm shaft hold down stud nut torqued in accordance with TCM SB No. M92–4, dated January 10, 1992, and that were inspected in accordance with either priority letter AD 92–02–20, or priority letter AD 92–02–20 R1, are required to have the rocker arm shaft hold down stud nut retorqued to 110–120 inch pounds in accordance with TCM SB M92–4, Revision 1, dated February 5, 1992, but need not be reinspected. The actions are required to be accomplished in accordance with the service bulletin described previously.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on February 18, 1992, to all known U.S. owners and operators of TCM Model IO–360 series, TSIO–360 series, LTSIO–360 series, and Rolls-Royce Motors Model TSIO–360 series reciprocating engines. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to Section 39.13 of part 39 of the Federal Aviation Regulations (FAR) to make it effective to all persons.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93–ANE–24." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major

under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-04-09 Teledyne Continental Motors: Amendment 39-8585. Docket 93-ANE-24.

Applicability: Teledyne Continental Motors (TCM) IO-360 series, TSIO-360 series, and LTSIO-360 series reciprocating engines, identified by model and serial number in TCM Service Bulletin (SB) No. M92-4, Revision 1, dated February 5, 1992, and all other TCM IO-360 series, TSIO-360 series, LTSIO-360 series, and Rolls-Royce Motors Model TSIO-360 series reciprocating engines, installed on but not limited to Cessna 337, T337, and P337 series; Cessna 172XP; Mooney M20K; Piper PA34-200T, PA34-220T, PA28R-201T and PA28RT-201T airplanes.

Compliance: Required prior to further flight, unless accomplished previously.

To prevent engine failure caused by failure of the rocker shaft hold down stud, accomplish the following:

(a) For engines that have the rocker arm shaft hold down stud nut torqued in accordance with TCM SB No. M92-4, dated January 10, 1992, and are in compliance with AD 92-02-20 or AD 92-02-20R1, retorque the rocker arm shaft hold down stud nut to 110-120 inch pounds in accordance with TCM SB M92-4, Revision 1, dated February 5, 1992.

(b) For engines listed by model and serial number in TCM SB No. M92-4, Revision 1, dated February 5, 1992, inspect, and if necessary, rework cylinder assembly, in accordance with TCM SB No. M92-4, Revision 1, dated February 5, 1992.

(c) For Rolls-Royce Motors engines and all other engines containing cylinder assemblies, with cylinder assembly dates between June 1991 through December 1991, and identified by TCM Part Numbers 646924, 649484, 652955, or 653098, and all "A" suffix numbers of these base part numbers, inspect, and if necessary, rework, in accordance with TCM SB No. M92-4, Revision 1, dated February 5, 1992.

Note: Cylinder assembly dates are stamped on the cylinder head between the two rocker shaft pockets.

(d) Uninstalled cylinder assemblies, with cylinder assembly dates between June 1991 and December 1991, and identified by TCM Part Numbers 646924, 649484, 652955, 653098, and all "A" suffix numbers of these base part numbers, shall not be placed in service unless inspected or reworked in accordance with TCM SB No. M92-4, Revision 1, dated February 5, 1992.

(e) After accomplishment of the requirements of paragraphs (a), (b), (c), or (d) of this AD, as applicable, mark with VIBRO-ETCH or other similar device the letter "B" adjacent to the cylinder assembly date on the cylinder head between the two rocker shaft pockets.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Atlanta Aircraft Certification Office.

(g) The retorquing, inspections, and rework shall be done in accordance with the following service bulletin:

Document No.	Pages	Revision	Date
TCM SB No. M92-4.	1-2	1	February 5, 1992.
Total pages: 2.			

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, AL 36601. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment supersedes priority letter AD 92-02-20 R1, issued January 24, 1992.

(i) This amendment becomes effective on June 22, 1993, to all persons except those persons to whom it was made immediately effective by priority letter AD 92-04-09, issued February 18, 1992, which contained the requirements of this amendment.

Issued in Burlington, Massachusetts, on April 28, 1993.

Jay J. Pardee,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 93-13283 Filed 6-4-93; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Regulation No. 4]

RIN 0960—None Assigned

Determining Disability and Blindness; Extension of Expiration Date for Respiratory System Listings

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: In the listing of Impairments in our regulations on determining disability and blindness, we are extending the date on which the respiratory system listings in part A of appendix 1 of subpart P of part 404 will no longer be effective from June 7, 1993 to December 6, 1993. We have made no revisions in the medical criteria in the respiratory system listings; they remain the same as they now appear in the Code of Federal Regulations. We are presently preparing for final publication new rules that will update the medical criteria contained in both part A and part B of the respiratory system listings. In the final rules, we will also incorporate our resolution of comments received on the notice of proposed rulemaking (NPRM). Any revised criteria will be published as a final rule.

EFFECTIVE DATE: This final rule will be effective June 7, 1993.

FOR FURTHER INFORMATION CONTACT: Harry J. Short, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-6243.

SUPPLEMENTARY INFORMATION: On December 6, 1985, a revised Listing of

Impairments in appendix 1 to subpart P of part 404 was published in the Federal Register (50 FR 50068). The Listing of Impairments describes, for each of 13 major body systems, impairments that are considered severe enough to prevent an adult from performing any gainful activity (part A), or in the case of a child under the age of 18, impairments that are considered severe enough to prevent the child from functioning independently, appropriately, and effectively in an age-appropriate manner (part B). The Listing of Impairments is used for evaluating disability and blindness at the third step of the sequential evaluation process for adults and children under the Social Security disability program and the supplemental security income program.

When the revised Listing of Impairments was published in 1985, we indicated that medical advances in disability evaluation and treatment and program experience would require that the listings be periodically reviewed and updated. Accordingly, we established termination dates ranging from 4 to 8 years for each of the listings for specific body systems. A termination date of December 6, 1991, was established for part A of the respiratory system listings to no longer be effective. A termination date of December 6, 1993, was established for part B of the respiratory system listings to no longer be effective.

On October 18, 1991, we published an NPRM proposing revisions to both part A and part B of the listings of medical criteria for evaluating respiratory impairments (56 FR 52231). We requested comments on the proposed revisions by December 17, 1991. To allow further time for the receipt and evaluation of the comments, we published a final rule on November 27, 1991, extending the date on which part A of the respiratory system listings would no longer be effective from December 6, 1991, to December 7, 1992 (56 FR 60059). Part B of the respiratory system listings, which will no longer be effective on December 6, 1993, was not addressed by that rule.

We later found that the complexity of the issues raised by the comments made it impossible for us to evaluate them thoroughly in time to publish a final rule before December 7, 1992. Accordingly, on December 7, 1992 (57 FR 57665), we extended, for an additional 6 months to June 7, 1993, the date on which the part A respiratory system listings would no longer be effective. Again, part B of these listings was not affected by that rule.

We had hoped to complete and publish final regulations revising both part A and part B of the respiratory system listings before June 7, 1993 (the date on which part A of the current respiratory system listings will no longer be effective). However, due to the complexity of the listings, the final regulations are still under review. In order to ensure more time for this review, we are extending for an additional six months to December 6, 1993, the date on which the current part A of the respiratory system listings will no longer be effective.

Regulatory Procedures

The Department, even when not required by statute, as a matter of policy, generally follows the Administrative Procedure Act notice of proposed rulemaking and public comment procedures specified in 5 U.S.C. 553 in the development of its regulations. The Administrative Procedure Act provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that, under 5 U.S.C. 553(b)(B), good cause exists for waiver of notice of proposed rulemaking and public comment procedures on this rule because it only extends the dates on which part A of the respiratory system listings will no longer be effective, and makes no substantive changes to these listings. The current regulations expressly provide that the listings may be extended by the Secretary, as well as revised and promulgated again. Because we are not making any substantive revisions to the current listings in part A, we have determined that use of public comment procedures is unnecessary under the Administrative Procedure Act.

Executive Order 12291

The Secretary has determined that this is not a major rule under Executive Order 12291 because this regulation does not meet any of the threshold criteria for a major rule. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

We certify that this regulation will not have a significant economic impact on a substantial number of small entities because it only affects disability claimants under titles II and XVI of the Social Security Act.

Paperwork Reduction Act

This regulation imposes no reporting or recordkeeping requirements necessitating clearance by the Office of Management and Budget.

(Catalog of Federal Domestic Assistance Program No. 93.802, Social Security-Disability Insurance; No. 93.807, Supplemental Security Income)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Death benefits, Disability benefits, Old-age, survivors and disability insurance; Reporting and recordkeeping requirements.

Dated: April 30, 1993.

Louis D. Enoff,

Principal Deputy Commissioner of Social Security.

Approved: May 26, 1993.

Donna E. Shalala,

Secretary of Health and Human Services.

For the reasons set forth in the preamble, part 404, title 20 of the Code of Federal Regulations is amended as set forth below.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

1. The authority citation for subpart P of part 404 continues to read as follows:

Authority: Secs. 202, 205(a), (b), and (d) through (h), 216(i), 221(a) and (i), 222(c), 223, 225, and 1102 of the Social Security Act; 42 U.S.C. 402, 405(a), (b), and (d) through (h), 416(i), 421(a) and (i), 422(c), 423, 425, and 1302; sec. 505(a) of Pub. L. 96–265, 94 Stat. 473; secs. 2(d)(2), (5), (6), and (15) of Pub. L. 98–460, 98 Stat. 1797, 1802, and 1808.

2. Appendix 1 to subpart P is amended by revising the third paragraph of the introductory text to read as follows:

The respiratory system (3.00) will no longer be effective on December 6, 1993.

* * * * *

[FR Doc. 93–13392 Filed 6–4–93; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1301 and 1304

Definition and Registration of Mid-Level Practitioners

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Final rule; correction.

SUMMARY: In the final notice entitled "Definition and Registration of Mid-Level Practitioners" beginning on page 31171 in the issue of Tuesday, June 1, 1993, make the following correction:

On page 31172 in the first column, the Effective Date is listed as July 1, 1993, except that practitioner registrations currently held by MLPs will be converted to the MLP category by no later than June 1, 1993. This should be changed to read July 1, 1993, except that practitioner registrations currently held by MLPs will be converted to the MLP category by no later than December 31, 1993.

Dated: June 1, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93–13330 Filed 6–4–93; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

RIN 1219–AA17

Safety Standards for Explosives at Metal and Nonmetal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Extension of partial administrative stay.

SUMMARY: The Mine Safety and Health Administration (MSHA) is extending the partial administrative stay of certain provisions of the January 18, 1991 (56 FR 2070), final rule on safety standards for explosives at metal and nonmetal mines until December 31, 1993.

EFFECTIVE DATE: June 7, 1993.

The following provisions found in 30 CFR parts 56 and 57 are stayed until December 31, 1993: The definition of "blast site" in §§ 56.6000 and 57.6000, the first sentence in §§ 56.6130(b) and 57.6130(b), §§ 56.6131(a)(1) and 57.6131(a)(1) and Appendix I to Subpart E, §§ 56.6202(a)(1) and 57.6202(a)(1), §§ 56.6304(b) and 57.6304(b), § § 56.6306 and 57.6306, §§ 56.6501(a) and 57.6501(a), §§ 56.6902(b) and 57.6902(b), and §§ 56.6903 and 57.6903.

The following provisions found in 30 CFR parts 56 and 57 continue in effect until December 31, 1993: §§ 56.6140 and 57.6140, §§ 56.6220 and 57.6220, §§ 56.6320 and 57.6320, §§ 56.6330 and 57.6330, §§ 56.6331 and 57.6331, §§ 57.6375 and 57.6382.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION: On January 18, 1991, MSHA published a final rule in the Federal Register (56 FR 2070), revising its safety standards for explosives at metal and nonmetal mines. After issuing several administrative stays of the effective date of the final rule, MSHA, on September 12, 1991 (56 FR 46500), issued a one-year, partial administrative stay of certain provisions of the final rule in order to conduct supplemental rulemaking restricted to those issues raised by the stayed provisions. The administrative stay was scheduled to expire on October 1, 1992; however on September 24, 1992 (57 FR 44256), MSHA extended the administrative stay until July 1, 1993. The remaining standards of the January 18, 1991, final rule became effective on November 1, 1991.

On October 16, 1992 (57 FR 47524), MSHA published a proposed rule addressing the stayed provisions and a public hearing was held on April 15, 1993 (58 FR 14492).

By this notice, the Agency is further extending the partial administrative stay of certain provisions of the January 18, 1991 final rule on safety standards for explosives at metal and nonmetal mines until December 31, 1993. MSHA will issue a final rule addressing these provisions in the near future.

This document is issued under 30 U.S.C. 811.

Dated: June 1, 1993.

Edward C. Hugler,

Acting Assistant Secretary for Mine Safety and Health.

[FR Doc. 93–13358 Filed 6–4–93; 8:45 am]

BILLING CODE 4510–43–P

30 CFR Part 75

RIN 1219–AA11

Safety Standards for Underground Coal Mine Ventilation

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Extension of administrative stay.

SUMMARY: The Mine Safety and Health Administration (MSHA) is extending the stay of the effective date of §§ 75.313 and 75.344(a)(1) of the final rule revising safety standards for ventilation of underground coal mines until July 1, 1994.

EFFECTIVE DATES: June 7, 1993. Sections 75.313 and 75.344(a)(1) found in 30 CFR part 75 are stayed until July 1, 1994.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, phone (703) 235–1910.

SUPPLEMENTARY INFORMATION: On May 15, 1992, MSHA published a final rule revising its safety standards for ventilation of underground coal mines (57 FR 20868). These standards were to take effect on August 16, 1992. On August 6, 1992, MSHA delayed the effective date until November 16, 1992, to allow mine operators time to effectively plan and implement necessary changes (57 FR 34683). On November 13, 1992, as a result of discussions with the mining community, MSHA stayed the effective date of §§ 75.313 and 75.344(a)(1) until July 1, 1993 (57 FR 53856).

By this notice the Agency is further staying the effective date of §§ 75.313 and 75.344(a)(1) until July 1, 1994. During this period the Agency intends to complete any necessary rulemaking action concerning these provisions. This notice does not affect the indefinite suspension by MSHA of § 75.321(a) (57 FR 55457).

This document issued under 30 U.S.C. 811.

Dated: June 1, 1993.

Edward C. Hugler,

Acting Assistant Secretary for Mine Safety and Health.

[FR Doc. 93–13359 Filed 6–4–93; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 344

[Department of the Treasury Circular, Public Debt Series No. 3–72, Third Revision]

Regulations Governing United States Treasury Certificates of Indebtedness, Treasury Notes, and Treasury Bonds, State and Local Government Series

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations published Friday, July 7, 1989 (54 FR 28754) relating to United States securities—State and Local Government Series.

EFFECTIVE DATE: June 7, 1993.

FOR FURTHER INFORMATION CONTACT: Sandy Dyson, Attorney-Adviser, Bureau of the Public Debt (202) 219–3320.

SUPPLEMENTARY INFORMATION:

Background

The regulations to which these corrections apply finalized the interim rule on this subject published in the

Federal Register on December 31, 1986 at 51 FR 47400. The regulations revised the proposed rule published in the **Federal Register** on August 29, 1980 at 45 FR 57747.

Need for Correction

As published, the regulations contained technical errors that could prove misleading and are in need of correction.

List of Subjects in 31 CFR Part 344

Bonds, Government Securities.

Accordingly, 31 CFR part 344 is corrected as follows:

PART 344 [AMENDED]

1. The authority citation for part 344 continues to read as follows:

Authority: 31 U.S.C. 3102, *et seq.*; sec. 1301, Pub. L. 99–514, 100 Stat. 2657.

§ 344.2 [Corrected]

2. In § 344.2(c)(2), subparagraphs (1) through (4) are redesignated subparagraphs (i) through (iv).

Dated: June 1, 1993.

Richard L. Gregg,

Commissioner of the Public Debt.

[FR Doc. 93–13289 Filed 6–4–93; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AD97

Dependency and Income; Correction

AGENCY: Department of Veterans Affairs.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations, published Tuesday, December 15, 1992 (57 FR 59296), and to the corrections published Wednesday, March 3, 1993 (58 FR 12174). The regulations were required to implement legislation and VA General Counsel opinions on dependency, income, and estate.

EFFECTIVE DATE: January 14, 1993.

FOR FURTHER INFORMATION CONTACT: Steven Thornberry, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC, 20420, (202) 233–3005.

Correction of Publications

§ 3.261 [Corrected]

1. On page 59298, in the **Federal Register** of December 15, 1992, in the second column, in amendatory instruction 3, "the heading titled 'income' is designated as paragraph (a)" should read "the table is designated as paragraph (a) and the heading 'Income' is added to the newly designated paragraph (a) prior to the table".

2. On the same page in § 3.261; paragraphs (b) and (c) within the table designated as paragraph (a) are removed, and new tables designated as paragraphs (b) and (c) are added to read as follows:

§ 3.261 Character of income; exclusions and estates.

* * * * *

(a) *Income.*

* * * * *

(b) *Deduction of amounts paid by claimant.*

Deduction	Dependency (parents)	Dependency and indemnity compensation	Pension; old-law (veterans, surviving spouses, and children)	Pension; section 306 (veterans, surviving spouses, and children)	See
(1) Unusual medical expenses	Not authorized	Authorized	Not authorized	Authorized	§§ 3.262(b)(1) and (1).
(2) Veteran: just debts, expenses of last illness and burial.	Not authorized	Authorized, except debts.	Not authorized	Authorized	§§ 3.262(m) and (o).
(3) Veteran's spouse or child: expenses of last illness and burial.	Not authorized	Not authorized	Not authorized	Authorized	§ 3.262(n).
(4) Parent's spouse: just debts; expenses of last illness and burial.	Not authorized	Authorized			§ 3.262(o).
(5) Prepayment on real property mortgages after death of spouse (Pub. L. 91–588).	Not authorized	Not authorized	Not authorized	Authorized	§§ 3.262(k)(6).

(c) *Corpus of estate.*

	Dependency (parents)	Dependency and indemnity compensation	Pension; old-law (veterans, widows, and children)	Pension; section 306 (veterans, surviving spouses, and children)	See
	Considered conditionally	Not considered	Not considered	Considered	§ 3.263.

3. On page 12174 of the **Federal Register** of March 3, 1993, in the second column, in amendatory instruction 3, the reference to "§ 3.216" is corrected to read "§ 3.261."

Dated: May 24, 1993.

B. Michael Berger,

Director, Records Management Service.

[FR Doc. 93-13168 Filed 6-4-93; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF DEFENSE

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AF34

Veterans Education; Implementation of Legislation Affecting the Post-Vietnam Era Veterans' Educational Assistance Program

AGENCY: Department of Defense and Department of Veterans Affairs.

ACTION: Final regulations.

SUMMARY: The Act to amend title 38, United States Code, with respect to veterans education and employment programs which was enacted on March 22, 1991, has several provisions which affect the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP). Chief among these is the provision of vocational flight training in this program. These regulations will acquaint the public with the way in which the Department of Veterans Affairs (VA) will administer these new provisions of law.

EFFECTIVE DATES: The amendments to §§ 21.5060 and 21.5100, like the sections of law they implement are retroactively effective on March 22, 1991. The amendments to §§ 21.5072, 21.5138 and 21.5250, like the section of law they implement, are retroactively effective on April 1, 1991.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-2092.

SUPPLEMENTARY INFORMATION: On pages 33474 and 33475 of the **Federal Register** of July 29, 1992, there was published a Notice of Intent to amend 38 CFR part 21 in order to implement the sections of Public Law 102-16 which apply to VEAP. Among these are the inclusion of vocational flight training in VEAP, and a change in the rule concerning when participants will be automatically disenrolled from the program. Interested people were given 30 days to submit comments, suggestions or objections. VA and the Department of Defense received no comments, suggestions or objections. Accordingly, VA and Department of Defense are making the regulations final.

The Department of Veterans Affairs and the Department of Defense have determined that these amended regulations do not contain a major rule as that term is defined by Executive Order 12291, entitled Federal Regulation. The regulations will not have a $100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Secretary of Veterans Affairs and the Secretary of Defense have certified that these amended regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the amended regulations directly affect only individuals. They will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

VA and Department of Defense find that good cause exists for making the amendments to §§ 21.5060 and 21.5100, like the provision of law they implement, retroactively effective on March 22, 1991. VA and Department of Defense find that good cause exists for making the amendments to §§ 21.5072, 21.5138 and 21.5250, like the provision of law they implement, retroactively effective on April 1, 1991. These amended regulations are intended to achieve a benefit for individuals. The maximum benefits intended in the legislation will be achieved through prompt implementation. Hence, a delayed effective date would be contrary to statutory design, would complicate administration of the provision of law, and might result in the denial of a benefit to someone who is entitled to it.

The Catalog of Federal Domestic Assistance number for the program affected by this proposal is 64.120.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: April 28, 1993.

Jesse Brown,

Secretary of Veterans Affairs.

Approved: January 28, 1993.

Robert M. Alexander,

Lieutenant General, USAF, Deputy Assistant Secretary (Military Manpower & Personnel Policy).

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart G—Post-Vietnam Era Veterans' Educational Assistance Under 38 U.S.C. Chapter 32

For the reasons set out in the preamble, 38 CFR part 21, subpart G is amended as set forth below.

1. The authority citation for part 21, subpart G continues to read as follows:

Authority: 38 U.S.C. 501(a).

2. In § 21.5060 paragraph (b)(3) and its authority citation are revised to read as follows:

§ 21.5060 Disenrollment.

* * * * *

(b) * * *

(3) The individual has not utilized all of his or her entitlement to benefits within the 10-year period stated in § 21.5041, and at the end of one year thereafter has not filed a claim for educational assistance allowance as provided in § 21.5030(c).

(Authority: 38 U.S.C. 101, 3225, 3232)

* * * * *

3. In § 21.5072 paragraph (h) and its authority citation are added to read as follows:

§ 21.5072 Entitlement charge.

* * * * *

(h) *Flight training courses.* (1) A charge against the period of entitlement for pursuit of a flight training course will be one month for each sum of money paid equivalent to the dollar value of a month of entitlement as determined under § 21.5138(a)(4)(viii). When this computation results in a period of time other than a full month, the charge will be prorated.

(2) If the individual is contributing to the fund at the same time that benefits are being used or subsequently

contributes a sum or sums, the entitlement charges will not be recomputed. Thus, if the monthly rate arrived at under § 21.5138(a)(4)(viii) is $150 at the time educational assistance allowance is paid for a period of flight training, the individual will be charged one month of entitlement for each $150 paid. If a different monthly rate is computed at the time of a subsequent payment for such training, no adjustment will be made in the entitlement charged for the previous payment(s) even though the value of each month's entitlement may vary from payment to payment.

(Authority: 38 U.S.C. 3231(f); Pub. L. 102–16) (Apr. 1, 1991)

4. In § 21.5100 paragraph (d)(1) and the authority citation for paragraph (d) are revised to read as follows:

§ 21.5100 Counseling.

* * * * *

(d) *Required counseling.* (1) In any case in which VA has rated the veteran as being incompetent, VA must provide counseling as described in 38 U.S.C. 3697A prior to selection of a program of education or training.The counseling will follow the veteran's initial application for benefits or any communication from the veteran or guardian indicating that the veteran wishes to change his or her program. This requirement that counseling be provided is met when—

* * * * *

(Authority: 38 U.S.C. 3241, 3697A)

5. In § 21.5138 paragraph (a)(5) and its authority citation are added to read as follows:

§ 21.5138 Computation of benefits payments and monthly rates.

* * * * *

(a) * * *

(5) For flight training the entitlement factor will be computed as follows:

(i) Enter the amount of the individual's contributions remaining in the fund. (a) _____

(ii) Enter the individual's remaining months of entitlement. (b) _____

(iii) Divide line a by line b. Enter the quotient. (1) _____

(iv) Enter two times the amount in line 1. (2) _____

(v) Enter the amount of the contributions, if any, remaining in the fund which the Secretary of Defense contributed for the individual. (c) _____

(vi) Enter the individual's remaining months of entitlement. (d) _____

(vii) Divide line c by line d. Enter the quotient. (3) _____

(viii) Total (lines 1, 2 and 3) ..... (4) _____

(ix) Enter the charges for flight training certified by the school. (e) _____

(x) Multiply line e by .60 ..... (5) _____

(xi) Divide line 5 by line 4. Enter the quotient. (This is the entitlement factor.) (6) _____

(Authority 38 U.S.C. 3231(f))

* * * * *

6. Section 21.5250 is revised in its entirety to read as follows.

§ 21.5250 Courses.

(a) *General.* In administering benefits payable under chapter 32, title 38, U.S.C., the Department of Veterans Affairs and, where appropriate, the State approving agencies shall apply the following sections in the same manner as they were applied in the administration of chapters 34 and 36.

(1) Section 21.4250 (except paragraph (c)(1))—Approval of courses.

(2) Section 21.4251—Period of operation of course.

(3) Section 21.4252—(except paragraph (f))—Courses precluded.

(4) Section 21.4253—Accredited courses.

(5) Section 21.4254—Nonaccredited courses.

(6) Section 21.4255—Refund policy; nonaccredited courses.

(7) Section 21.4256—Correspondence courses.

(8) Section 21.4257—Cooperative courses.

(9) Section 21.4258—Notice of approval.

(10) Section 21.4259—Suspension or disapproval.

(11) Section 21.4260—Courses in foreign countries.

(12) Section 21.4261—Apprentice courses.

(13) Section 21.4262—Other training on-the-job courses.

(14) Section 21.4265—Practical training approved as institutional training.

(15) Section 21.4266—Courses offered at subsidiary branches or extensions.

(Authority: 38 U.S.C. 3241, 3473, 3476, 3672, 3675, 3676, 3678, 3679, 3686, 3689)

(b) *Flight courses.* In administering benefits payable for flight training under chapter 32, title 38, U.S.C. VA and the State approving agencies will apply the provisions of § 21.4263 Flight training—38 U.S.C. chapters 30 and 32 and 10 U.S.C. chapter 106. Educational assistance allowance is payable for flight training undertaken by a veteran or serviceperson after March 31, 1991, but is not payable for a course of flight training which commences after September 30, 1994.

(Authority: 38 U.S.C. 3241; Pub. L. 102–16) (Apr. 1, 1991)

[FR Doc. 93–13349 Filed 6–4–93; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–4663–2]

Vermont; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Reopening of comment period for immediate final rule.

SUMMARY: EPA is reopening the comment period for the immediate final rule of the Final Authorization of the State of Vermont's Hazardous Waste Management Program Revisions published in the **Federal Register** on May 3, 1993 (58 FR 26242). This action sets forth the times and locations at which the State of Vermont's hazardous waste program revision application is available for public inspection, and extends the comment period during which interested persons may submit written comments on the application. In addition, this notice makes the following correction to 58 FR 26242 of May 3, 1993. Page 26250, second column, last line, reads Appendix II, and should read Appendix VIII.

DATES: Written comments must be received on or before the close of business on July 7, 1993. Final authorization for Vermont shall be effective on August 6, 1993, unless EPA publishes a prior **Federal Register** action withdrawing this Immediate Final Rule.

ADDRESSES: Written comments must be mailed to Geri Mannion, U.S. EPA, Region I, HPR–CAN1, J.F.K. Federal Building, Boston, Massachusetts, 02203–2211. Copies of Vermont's program revision application are available at the following addresses for inspection and copying: Agency of Natural Resources, Department of Environmental Conservation, State of Vermont, 103 S. Main Street, West Office Building, Waterbury, Vermont 05671–0404, Phone (802) 244–8702. Business Hours: 7:45 a.m. to 4:30 p.m. U.S. EPA Region I Library, One

Congress Street, 11th Floor, Boston, Massachusetts, 02203, Phone: (617) 565–3300. Business Hours: 8:30 a.m. to 4:30 p.m. Written comments should be sent to Geri Mannion at the address below.

FOR FURTHER INFORMATION CONTACT: Geri Mannion, U.S. EPA, Region I, HPR–CAN1, J.F.K. Federal Building, Boston, Massachusetts, 02203–2211, Phone: (617) 573–9657.

SUPPLEMENTARY INFORMATION:

Background

Any State which seeks to administer and enforce a hazardous waste program pursuant to section 3006(b) of RCRA, may develop, and, after notice and opportunity for public hearing, submit to the Administrator of EPA, or his or her designee, an application for authorization of such program. A state's application for authorization must be consistent with 40 CFR part 271. EPA will approve a state hazardous waste program which is equivalent to, and no less stringent than the federal requirements for those provisions for which a state seeks authorization. Upon authorization, a state is authorized to carry out its authorized program in lieu of the Federal program.

The State of Vermont has applied for final authorization for revisions to its base RCRA hazardous waste program, and for final authorization for non-HSWA requirements prior to Non-HSWA Cluster I, Non-HSWA Clusters I–V, HSWA Cluster I, and Toxicity Characteristic Leaching Procedure (TCLP) for HSWA Cluster II. The United States Environmental Protection Agency (EPA) has reviewed Vermont's application and has made a decision, subject to public review and comment, that Vermont's hazardous waste program revision application satisfies all the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Vermont's hazardous waste program revisions. Vermont's application for program revision is available for public review and comment. To see the complete **Federal Register** notice for the Authorization, the reader is directed to 58 FR 26242.

Approval of Vermont's program revision shall become effective in sixty (60) days unless adverse comments pertaining to the State's program revisions are received by the end of the comment period. If adverse comments are received, EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Dated: May 25, 1993.

Paul G. Keough,

Acting Regional Administrator.

[FR Doc. 93–13229 Filed 6–4–93; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 402

RIN 0970–AA79

State Legalization Impact Assistance Grants (SLIAG)

AGENCY: Administration for Children and Families, HHS, Office of Refugee Resettlement.

ACTION: Final rule with comments.

SUMMARY: This rule amends the final rule implementing the State Legalization Impact Assistance Grants (SLIAG). This action establishes the deadline by which States' fiscal year 1994 SLIAG applications are due as of July 1, 1993, and the deadline by which a State's FY 1994 application must be approvable by the Secretary as of September 15, 1993. It also requires that States report actual costs for the first and second quarters of FY 1993 along with their FY 1994 applications. These actions are necessary so that FY 1994 allocations, which by Congressional action must be made available to States by October 15, 1993, may be calculated and awarded by the mandated deadline.

DATES: Final rule effective on June 7, 1993; comments must be received on or before July 7, 1993.

ADDRESSES: Comments may be mailed to Division of State Legalization and Repatriation, Office of Refugee Resettlement, Administration for Children and Families, 370 L'Enfant Promenade, SW., 6th floor, Washington, DC 20447.

FOR FURTHER INFORMATION CONTACT: David B. Smith (Director, Division of State Legalization and Repatriation), 202–401–9255 (FTS 441–9255).

SUPPLEMENTARY INFORMATION: State Legalization Impact Assistance Grants (SLIAG) are mandated by the Immigration Reform and Control Act of 1986 (IRCA) (Pub. L. 99–603), as amended. The purpose of SLIAG is to lessen the financial impact on State and local governments that may result from the legalization of aliens under IRCA.

Public Law 102–170, dated November 26, 1991, amended IRCA in two important respects:

(1) It amended section 204(a)(1)(C), which effectively deferred funds that had been previously appropriated from fiscal years 1990 and 1991 to FY 1993 for costs incurred on or after October 1, 1989 (including Federal, State and local administrative costs); and

(2) It added a paragraph creating section 204(b)(5), which directed the Secretary to make allotments to States under paragraph (1) no later than October 15, 1992.

The Department's FY 1993 Appropriations Act, Pub. L. 102–394, dated October 6, 1992, further amends section 204(a)(1)(C) of IRCA by making those funds effectively deferred from fiscal years 1990 and 1991 to FY 1993 (by Pub. L. 102–170) available in part in both fiscal years 1993 and 1994. It designates the amount to be made available in FY 1994, with the remainder to be made available in FY 1993. The House Conference Report accompanying the bill states, "Consistent with the fiscal year 1993 grant cycle, the conferees expect the fiscal year 1994 funds to be distributed by October 15, 1993." H.R. REP No. 102–974, 102d Cong., 2d Sess. 28 (1992).

The Department published a final rule, 45 CFR part 402, implementing section 204 of IRCA, on March 10, 1988, and has subsequently amended that rule in response to programmatic and administrative requirements. In order to be responsive to new section 204(b)(5) of IRCA described above, the Department amended the SLIAG regulation to establish July 1, 1992 as the date by which States' FY 1993 applications must have been received by the Department, and September 15, 1992 as the date by which a State's FY 1993 application must have been approvable by the Secretary (57 FR 19385, May 6, 1992). The Congressional mandate with respect to FY 1994 allocations requires that these timeframes be maintained for the FY 1994 application process. This rule therefore amends section 402.43 by establishing July 1, 1993 as the date by which States' FY 1994 applications must be received by the Department, and September 15, 1993, as the date by which a State's FY 1994 application must be approvable by the Secretary.

SLIAG allocations are made to States based on the factors enumerated in section 402.31(a) of the SLIAG regulation. Fifty percent of a State's allocation in a fiscal year is based on the ratio of SLIAG-related costs in the State to the total of all such costs in all States.

This ratio is determined using States' cost data pursuant to 45 CFR 402.31(b), including actual cost data required under 45 CFR 402.51(e), for all fiscal years prior to the year of the appropriation.

Since FY 1994 allotments must be made to States by October 15, 1993, States will not have reported FY 1993 actual cost information in time for the Department to use it for the allocation formula. The inability of States to include their FY 1993 actual cost data in the allocation process may cause an inequitable treatment of States in the allocation of FY 1994 funds. In order that the best data available be used in the computation of State SLIAG allocations, we are requiring that States submit actual cost data for the first and second quarters of FY 1993 along with their FY 1994 applications. This process was followed for the FY 1993 allocations. It ensures that all States are treated equitably in the allocation process, based on the best available information.

We are therefore amending section 402.31(b) to establish that the computation of State allocations for FY 1994 will include States' actual cost data for the first and second quarters of FY 1993, and § 402.51(e) to require that actual cost data for those two quarters must be reported along with States' FY 1994 applications, that is, by July 1, 1993.

It is important to note that the total reporting burden on States has not changed. Section 402.51(c) requires that States provide information on the status of each fiscal year's funds, as of September 30, for the fiscal year. This requirement, which is reported using SF–269, remains unchanged by this amendment. Section 402.51(e) requires that States must report the actual SLIAG-related costs incurred during the fiscal year. This amendment divides that requirement into two separate reporting dates, as was the case for FY 1992; that is, the first and second quarters of FY 1993 actual cost data must be reported along with FY 1994 applications by July 1, 1993, and the third and fourth quarters of FY 1993 actual cost data must be reported by the regulatory due date for annual reports, no later than 90 days after the end of the Federal fiscal year.

In addition to the fact that the total regulatory reporting burden remains unchanged by these amendments, a State may still amend its annual report on actual SLIAG-related costs at any time to reflect current information. This means that, as was the case for FY 1992 actual costs, a State would not be precluded from reporting its actual SLIAG-related costs for all of FY 1993 as part of its annual report due no later than 90 days after the end of the fiscal year, even though it will have reported two quarters of actual costs along with its FY 1994 application. Alternatively, the State could report updated actual SLIAG-related costs for the first and second quarters along with its report on the third and fourth quarters.

Because the amendments set out in this rule pertain to agency procedure or practice under section 553(b) of the Administrative Procedure Act, we have dispensed with a Notice of Proposed Rulemaking. We will consider any comments received and, if necessary, publish another rule.

Regulatory Procedures

In accordance with 5 U.S.C. 605(b), the Secretary certifies that this rule does not have a significant adverse economic impact on small business entities. This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

Paperwork Reduction Act

Although this amendment requires States to report actual costs for the first and second quarters of FY 1993 along with their FY 1994 applications, this rule imposes no new reporting or recordkeeping requirements subject to Office of Management and Budget clearance.

(Catalog of Federal Domestic Assistance Program No. 93.565, State Legalization Impact Assistance Grants)

List of Subjects in 45 CFR Part 402

Administrative cost, Allocation formula, Aliens, Allotment, Education, Grant programs, Immigration, Immigration Reform and Control Act, Public assistance, Public health assistance, Reporting and recordkeeping requirements, State Legalization Impact Assistance Grants.

Dated: April 14, 1993.

Laurence J. Love,

Acting Assistant Secretary for Children and Families.

Dated: May 14, 1993.

Donna E. Shalala,

Secretary, Department of Health and Human Services.

For the reasons set out in the preamble, 45 CFR part 402 is amended as follows:

PART 402—STATE LEGALIZATION IMPACT ASSISTANCE GRANTS

1. The authority citation for part 402 continues to read as follows:

Authority: 8 U.S.C. 1255a note, as amended.

2. Section 402.31 is amended by revising the first and second sentences in paragraph (b)(2) to read as follows:

§ 402.31 Determination of allocations.

* * * * *

(b) * * *

(2) For all years except fiscal years 1993 and 1994, the Department will determine each State's SLIAG-related costs to be included in the computation of its allocation for a fiscal year by adding to the sum of SLIAG-related costs reported for all previous fiscal years by that State, pursuant to § 402.51(e) (1) and (2), the total amount of estimated SLIAG-related costs included in the State's approved application for that fiscal year, pursuant to § 402.41(c) (1) and (2). For fiscal years 1993 and 1994, the Department will add to the amount of estimated SLIAG-related costs included in the State's approved applications for fiscal years 1993 and 1994, respectively, the sum of SLIAG-related costs for all previous years ending with FY 1991 (for FY 1993 applications) or FY 1992 (for FY 1994 applications), and the first and second quarters of FY 1992 (for FY 1993 applications) or FY 1993 (for FY 1994 applications), pursuant to § 402.52(e)(4). * * *

3. Section 402.43 is amended by revising the first and second sentences in paragraph (a), and the first and second sentences in paragraph (b), to read as follows:

§ 402.43 Application deadline.

(a) An application from a State for SLIAG funds for any Federal fiscal year except fiscal years 1993 and 1994 must be received by the Department by October 1 of that fiscal year. Applications for fiscal years 1993 and 1994 must be received by July 1, 1992, and July 1, 1993, respectively. * * *

(b) In order to receive funds under this part, a State's application for any fiscal year except fiscal years 1993 and 1994 must be approvable by the Secretary by December 15 of that fiscal year. Applications for fiscal years 1993 and 1994 must be approvable by the Secretary by September 15, 1992, and September 15, 1993, respectively. * * *

4. Section 402.51 is amended by revising the first sentence in paragraph (e)(1), and paragraph (e)(4), to read as follows:

§ 402.51 Reporting.

* * * * *

(e)(1) For all years except fiscal years 1992 and 1993, a State's annual report must also provide the actual SLIAG-

related costs incurred during the fiscal year. * * *

* * * * *

(4) For fiscal years 1992 and 1993, a State must report actual SLIAG-related costs, pursuant to paragraphs (e) (1), (2) and (3) of this section, for the first and second quarters, along with its application for SLIAG funding for fiscal years 1993 and 1994, respectively, in accordance with § 402.43(a) of this part, and for the third and fourth quarters in accordance with paragraph (a) of this section.

(Approved by the Office of Management and Budget under Control Number 0970–0079)

[FR Doc. 93–12970 Filed 6–4–93; 8:45 am]

BILLING CODE 4184–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket No. 87–313; FCC 93–206]

Policy and Rules Concerning Rates for Dominant Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On May 21, 1993, the Commission released an Order and Notice of Proposed Rulemaking (May 21 Order). In the May 21 Order the Commission vacates the rule excluding promotional rates from price caps. The Court of Appeals said that the Commission should provide an adequate explanation if it decided to sustain the policy of excluding promotional rates from price cap indexes. The intent of this action is to serve the goals of the price cap plan and the Communications Act, because of the difference between promotional and general schedule rates, as well as other considerations.

EFFECTIVE DATE: May 21, 1993.

FOR FURTHER INFORMATION CONTACT: Mary Brown, Tel. (202) 632–6387.

SUPPLEMENTARY INFORMATION: On September 8, 1992, the United States Court of Appeals for the District of Columbia Circuit remanded this proceeding to the Commission for further consideration of the Commission's policy governing price cap treatment of AT&T's promotional offerings. The Commission had previously concluded that excluding promotional rates from price cap regulation on a prospective basis would serve the goals of the price cap plan and the Communications Act. To resolve the issues before it on remand, the Commission now vacates its prior decision on this issue and the rule excluding promotional rates from price caps.

It is Ordered, That the portion of the *AT&T Price Cap Reconsideration Order* amending § 61.42 of the Commission's Rules by adding Section 61.42(c)(10), IS VACATED.

List of Subjects in 47 CFR Part 61

Communications common carriers.

Amended Rules

Part 61 of title 47 of the Code of Federal Regulations is amended as follows:

PART 61—TARIFFS

1. The authority citation for part 61 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply Sec. 203, 48 Stat. 1070; 47 U.S.C. 203.

§ 61.42 [Amended]

2. Section 61.42(c)(10) is removed and reserved.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–13297 Filed 6–4–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Part 801

RIN–2900–AG52

VA Acquisition Regulation: Veterans Affairs Acquisition Regulation System

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending the VA Acquisition Regulation (VAAR) to clarify guidance on the procedures for processing interagency agreements. This amendment will also clarify that VA/Department of Defense (DoD) Sharing Agreements, executed under the authority of Public Laws 97–174 and 102–585, do not require review by the Office of Acquisition and Materiel Management.

EFFECTIVE DATE: June 7, 1993.

FOR FURTHER INFORMATION CONTACT: Sherry Patton, Acquisition Policy Division (95A), Office of Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233–5001.

SUPPLEMENTARY INFORMATION:

I. Background

The existing guidance set forth in VAAR 801.602–70 states that only interagency agreements of $5,000 or more will be submitted for legal/technical review. This amendment will clarify the regulation to state that all interagency agreements, regardless of dollar value, will be submitted for review.

In addition, a reference to VA Manual M–1, Part I, Chapter I, Section XI is being added for guidance on processing VA/DoD Sharing Agreements.

II. Executive Order 12291

Pursuant to the memorandum from the Director, Office of Management and Budget, to the Administrator, Office of Information and Regulatory Affairs, dated December 13, 1984, this rule is exempt from sections 2 and 4 of Executive Order 12291.

III. Regulatory Flexibility Act (RFA)

Since a notice of proposed rulemaking is unnecessary and will not be published, these amendments do not come within the term "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2) and are, therefore, not subject to the requirements of the Act. Additionally, these amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act 5 U.S.C. 601–612.

IV. Paperwork Reduction Act

The amendment does not impose any additional reporting or recordkeeping requirements on the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501 et seq.

List of Subject in 48 CFR Part 801

Government procurement.

Approved: May 18, 1993.

Jesse Brown,

Secretary of Veterans Affairs.

For reasons set forth in the preamble, 48 CFR chapter 8, part 801 is amended as set forth below:

1. The authority citation for part 801 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

PART 801—VETERANS AFFAIRS ACQUISITION REGULATION SYSTEM

Subpart 801.6 [Amended]

801.602–70 [Amended]

2. In section 801.602–70 paragraph (a)(40(viii), remove the words

"involving the expenditures of Department of Veterans Affairs funds of $5,000 or more" and add, in their place, the words "regardless of dollar value. Those agreements of $5,000 or more will be forwarded to General Counsel for legal review. VA/DoD Sharing Agreements executed under the authority of Public Law 97–174 (38 U.S.C. 8111) and sections 201–206 of Public Law 102–585 are exempt from review by the Office of Acquisition and Materiel Management; however, they must be approved in accordance with VA Manual M–1, Part I, Chapter 1, Section XI."

[FR Doc. 93–13346 Filed 6–4–93; 8:45 am]

BILLING CODE 8320–01–P–M

Proposed Rules

Federal Register
Vol. 58, No. 107
Monday, June 7, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–SW–04–AD]

Airworthiness Directives; Bell Helicopter Textron, Inc. Model 206B and 206L Series Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to Bell Helicopter Textron, Inc. (BHTI) Model 206B and 206L series helicopters, that currently requires a revision to the Limitations Section of the FAA-approved Rotorcraft Flight Manual Supplement (RFMS) and replacement of the engine power-out warning sensor on BHTI Model 206B and 206L series helicopters equipped with Allison 250–C20R engines by a Soloy supplemental type certification program. This action would require a new revision to the Limitations Section of the FAA-approved RFMS, and would remove the requirement for replacement of the engine power-out warning sensor. This proposal is prompted by a reevaluation of the need for an engine power-out warning sensor based on the lack of reported operational occurrences of the false engine-out warnings. The actions specified by the proposed AD are intended to maintain a heightened pilot awareness that false engine-out warnings may still occur when practicing autorotations and could result in an unnecessary emergency autorotative landing.

DATES: Comments must be received by July 22, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–SW–04–AD, 4400 Blue Mound Road, Fort Worth, Texas 76106. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Soloy Corporation, 450 Pat Kennedy Way SW., Olympia, Washington 98501–7298. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 4400 Blue Mound Road, bldg. 3B, room 158, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Bray, Aerospace Engineer, FAA, Seattle Aircraft Certification Office, Propulsion Branch, ANM–140S, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056, telephone (206) 227–2681, fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93–SW–04–AD." The postcard will be date stamped and returned to the commenter.

Availability NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–SW–04–AD, 4400 Blue Mound Road, Fort Worth, Texas 76106.

Discussion

On October 22, 1991, the FAA issued AD 91–23–15, Amendment 39–8084 (56 FR 63631, dated December 5, 1991), to require a revision to the Limitation Section of the FAA-approved Rotorcraft Flight Manual Supplement (RFMS) and replacement of the engine power-out warning sensor (sensor) on Bell Helicopter Textron Inc. (BHTI) Model 206B and 206L series helicopters equipped with Allison 250–C20R engines by a Soloy supplemental type certification program (Supplemental Type Certificate (STC) No. SH 4169NM, SH 4179NM, and SH 4729NM). That action was prompted by a manufacturer's report of false engine-out warnings experienced during a production flight test. The requirements of that AD are intended to prevent a false engine-out warning to a pilot when practicing autorotations, which could lead to an unnecessary emergency autorotative landing.

Since the issuance of that AD, discussions with the STC holder and the engine manufacturer and review of flight test data have convinced the FAA to propose a new warning for the RFMS that is applicable to part number (P/N) 206–075–545–001 sensors only, and to delete the requirement for removal of that sensor and installation of other sensors. Soloy Corporation Service Bulletin 02–680, revised Dec. 8, 1992, which concerns this new warning for the RFMs, was approved by the FAA.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 91–23–15 to require a new warning statement in the limitations section of the RFMS and to delete the requirement to replace the sensor. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 19 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately one work hour per

helicopter to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,045.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–8084 (56 FR 63631, December 5, 1991), and by adding a new airworthiness directive (AD), to read as follows:

Bell Helicopter Textron, Inc. (BHTI): Docket No. 93–SW–04–AD. Supersedes AD 91–23–15, Amendment 39–8084, Docket Number 91–ASW–16.

Applicability: Model 206B and 206L series helicopters, equipped with Allison 250–C20R engine power-out warning sensors, part number (P/N) 206–075–545–001, in accordance with Supplemental Type Certificates (STC) SH 4169NM, SH 4179NM, and SH 4729NM, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To alert the pilot of a potential false engine-out warning when practicing autorotations that could result in an unnecessary emergency autorotative landing, accomplish the following:

(a) Within 10 days after the effective date of this AD, revise the Limitation Section of the FAA-approved Rotorcraft Flight Manual Supplement (RFMS) by adding the warning statement and note contained in the description section of Soloy Corporation Service Bulletin 02–680, revised December 8, 1992.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from Seattle Aircraft Certification Office.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on May 10, 1993.

James D. Erickson,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 93–13306 Filed 6–4–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 90–NM–129–AD]

Airworthiness Directives; de Havilland, Inc., Model DHC–8–100 and DHC–8–300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to de Havilland Model DHC–8–100 and DHC–8–300 series airplanes, that would have required inspections of the flap primary-drive torque tube system to detect cracks, operational checks of the torque sensor to detect malfunctions, and replacement with serviceable parts, if necessary. That proposal was prompted by reports of failure of the flap torque-tube at the splined coupling due to improper heat treatment in a certain batch of parts, and a report of a malfunctioning torque sensor in the secondary-drive system. This action revises the proposed rule by proposing to require the installation of modifications that would constitute terminating action for the repetitive inspections. The actions specified by this proposed AD are intended to prevent failure of the flaps to deploy symmetrically, which could cause a reduction in roll control effectiveness.

DATES: Comments must be received by July 22, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 90–NM–129–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from de Havilland, Inc., Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Michele Maurer, Aerospace Engineer, Systems and Equipment Branch, ANE–173, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581; telephone (516) 791–6427; fax (516) 791–9024.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic,

environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 90–NM–129–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 90–NM–129–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations to add an airworthiness directive (AD), applicable to de Havilland Model DHC–8–100 and DHC–8–300 series airplanes, was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on July 15, 1991 (56 FR 32136). That NPRM would have required inspections of the flap primary-drive torque tube system to detect cracks; operational checks of the torque-sensor system to detect malfunctions; and replacement with serviceable parts, if necessary. That NPRM was prompted by reports of failure of the flap torque-tube at the splined coupling due to improper heat treatment in a certain batch of parts, and a report of a malfunctioning torque sensor in the secondary-drive system. That condition, if not corrected, could result in the flaps failing to deploy symmetrically, which could cause a reduction in roll control effectiveness.

Due consideration has been given to the comments received in response to that supplemental NPRM:

Several commenters support the proposal.

One commenter requests that the FAA delete proposed paragraph (c)(2), which would require repetitive inspections of the primary-drive torque tubes at 300-hour intervals. This commenter states that its own current in-house inspection schedule satisfies this inspection requirement. The FAA does not concur with the commenter's request, since other operators may not have an inspection under their current maintenance program that is equivalent to the one proposed in this AD action. Operators, such as this commenter, who consider that their current maintenance inspection program includes an equivalent inspection may apply for the use of it as an alternative method of compliance with the rule, under the provisions of proposed paragraph (g).

This commenter also requests that the wording in proposed paragraph (c)(4) be revised to indicate that a plastic flap secondary-drive flex outer sheath casing may not be present on some airplanes. Due to modifications and vendor changes, some secondary-drive cables on these airplanes are equipped with a steel plated outer sheath, rather than a plastic sheath. The FAA concurs. Proposed paragraph (c)(4) has been revised to take into account those airplanes that are not equipped with an outer plastic sheath.

This same commenter requests that the FAA revise the proposal to include terminating action for the proposed inspections and functional checks. The FAA concurs. Since the issuance of the supplemental NPRM, Transport Canada Aviation, which is the airworthiness authority for Canada, has advised the FAA that the manufacturer has developed certain modifications which, if installed, would eliminate the need for the proposed repetitive inspections of the flap primary-drive torque tube sensor system, and the proposed operational checks of the torque-sensor system.

De Havilland, Inc., has issued Service Bulletin S.B. 8–54–16, Revision A, dated October 26, 1990, which describes Modification 8/1473. This modification entails installing a tee piece between the torque tube and cooling tube to prevent the cooling tube from rubbing against the torque tube.

De Havilland, Inc., also has issued Service Bulletin S.B. 8–27–47, Revision A, dated July 6, 1990, which describes Modification 8/0803. This modification entails removing the currently-installed flow regulator valve and replacing it with a hydraulic slow start and flow control valve that will reduce the acceleration rate of the flap system and provide improved steady state speed control.

De Havilland, Inc., also has issued Service Bulletin S.B. 8–27–61, dated October 25, 1991, which describes Modification 8/1649. This modification entails installing new internal stops into the torque sensor assembly to eliminate the loss of drive-line failure annunciation. This modification will increase the reliability of the torque sensor and reduce the possibilities of both an asymmetric flap deployment and nuisance illumination of the "Flap Drive" caution light.

Transport Canada Aviation classified these service bulletins as mandatory and issued Canadian airworthiness directive CF–89–09R3, dated September 11, 1992, in order to assure the continued airworthiness of these airplanes in Canada.

The FAA considers that installation of the modifications, described above, will positively address the unsafe condition presented by failure of the flaps to deploy symmetrically. Therefore, this proposed AD has been revised to require not only the previously proposed repetitive inspections of the flap primary-drive torque tube system and operational checks of the torque sensor, but it also would require the eventual installation of certain modifications that would constitute terminating action for the repetitive inspections and operational checks. The modifications would be required to be accomplished in accordance with the service bulletins described previously.

Since this change expands the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

The FAA estimates that 100 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 12 work hours per airplane to accomplish the proposed inspections and functional checks. Installation of Modification 8/1473 would entail 2 work hours per airplane to accomplish, and required parts would cost approximately $248 per airplane. Installation of Modification 8/0803 would entail approximately 19 work hours per airplane to accomplish, and required parts would cost approximately $3,710 per airplane. Installation of Modification 8/1649 would entail approximately 5 work hours per airplane to accomplish, and required parts would cost approximately $4,680 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,072,800, or $10,728 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order

12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

De Havilland: Docket 90–NM–129–AD.

Applicability: Model DHC–8–100 and DHC–8–300 series airplanes, having serial numbers 3 through 293, certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent asymmetrical flap deployment, accomplish the following:

(a) For airplanes having serial numbers 3 through 231, 233, 235, 237, and 243: Within 300 hours time-in-service after the effective date of this AD, accomplish the procedures specified in paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this AD:

(1) Locate and inspect the flap primary-drive torque tubes to determine if parts having the part numbers (P/N) and serial numbers (S/N) listed in TABLE 1, below, are installed.

TABLE 1

Torque tube P/N series	Torque tube S/N
734187	125 through 171.
734378	129 through 150.
734380	127 through 166.
734382	211 through 322.
734384	153 through 188 and 226 through 235.
734386	195 through 286.
734388	160 through 177.

(2) If any torque tube listed in TABLE 1 is installed, prior to further flight, remove the through-bolt from the splined coupling on each end of the torque tube and, using a 10X magnifying glass, perform a detailed visual inspection of the area around the bolt holes for cracks.

(3) If a splined coupling is found to be cracked on a particular torque tube, prior to further flight, accomplish either paragraph (a)(3)(i) or (a)(3)(ii) of this AD:

(i) Replace the splined couplings on that torque tube in accordance with the accomplishment instructions in the appropriate Sundstrand Service Bulletin specified in TABLE 2, below, and re-identify the torque tube as indicated. Marking the service bulletin number on the rod with indelible ink will satisfy this re-identification requirement. Or

(ii) Replace the particular torque tube with a serviceable unit.

Note: Some torque tubes have one splined coupling, while others have two.

TABLE 2

Torque tube P/N series	Sundstrand service bulletin No.	Post-modification Identification
734187	734187–27–A2, Rev. 1, dated September 15, 1990	27–A2
734378	734378–27–A3, Rev. 1, dated September 15, 1990	27–A3
734380	734380–27–A2, Rev. 1, dated September 15, 1990	27–A2
734382	734382–27–A3, Rev. 1, dated September 15, 1990	27–A3
734384	734384–27–A2, Rev. 1, dated September 15, 1990	27–A2
734386	734386–27–A2, Rev. 1, dated September 15, 1990	27–A2
734388	734388–27–A1, Rev. 1, dated September 15, 1990	27–A1

(4) Upon reassembly, install the through-bolt, and torque to between 20 and 25 in-lb.

(b) For airplanes having serial numbers 3 through 231, 233, 235, 237, and 243: Within 900 hours time-in-service after the effective date of this AD, replace all splined couplings [which have not been replaced in accordance with paragraph (a)(3)(i) or (a)(3)(ii) of this AD] on torque tubes identified in TABLE 1, above, in accordance with the accomplishment instructions in the appropriate Sundstrand Service Bulletin specified in TABLE 2, above. Re-identify the torque tubes as indicated. Marking the service bulletin number on the rod with indelible ink will satisfy this re-identification requirement.

(c) For airplanes having serial numbers 3 through 293: Within 300 hours time-in-service after the effective date of this AD, and thereafter at intervals not to exceed 300 hours time-in-service, accomplish the following visual inspection procedure of the flap primary-drive torque tube system and the flap secondary-drive flex shaft system:

(1) Extend flaps fully.

(2) Conduct a general visual inspection of the flap primary-drive torque tubes over their entire length for fracture, rubbing, and wear.

(3) Damaged torque tubes, or torque tubes exhibiting wear greater than 0.010 inch in depth or 180 degrees around the circumference, must be replaced with serviceable torque tubes prior to further flight.

(4) Conduct a general visual inspection of the flap secondary-drive flex outer sheath casing for permanent deformation (kinks), or evidence of excessive heat of the outer braided sheath, melting of the outer plastic sheath (if installed), or any discoloration of the anodic film on the casing ferrules.

(5) If any of the conditions specified in paragraph (c)(4) of this AD exist, the secondary drive assemblies must be replaced with serviceable units prior to further flight.

(d) For airplanes having serial numbers 3 through 293: Within 600 hours time-in-service after the effective date of this AD, unless previously accomplished within the last 600 hours time-in-service; and thereafter at intervals not to exceed 1,200 hours time-in-service; accomplish the procedures specified in paragraphs (d)(1) and (d)(2) of this AD:

(1) Perform an operational check of the torque sensor in accordance with the following service documents, as appropriate:

(i) For Model DHC–8–100 series airplanes: Maintenance Program Task 2750/11 (refer to DASH 8 Maintenance Program Supplementary Information, PSM 1–8–7, Volume 2, Procedures 27, dated March 30, 1990).

(ii) For Model DHC–8–300 series airplanes: Maintenance Program Task 2750/11 (refer to DASH 8 Maintenance Program Supplementary Information, PSM 1–83–7, Volume 2, Procedures 27, dated December 21, 1988).

(2) Any torque sensor found malfunctioning or jammed must be replaced with a serviceable unit prior to further flight.

(e) For airplanes having serial numbers 3 through 293: Within 2,000 hours time-in-service after the effective date of this AD, or within 9 months after the effective date of this AD, whichever occurs first, modify the wing flap system by installing Modification 8/1473 in accordance with de Havilland Service Bulletin S.B. 8–54–16, Revision A, dated October 26, 1990; Modification 8/0803

in accordance with de Havilland Service Bulletin S.B. 8–27–47, Revision A, dated July 6, 1990; and Modification 8/1649 in accordance with de Havilland Service Bulletin S.B. 8–27–61, dated October 25, 1991. Installation of these modifications constitutes terminating action for the requirements of paragraphs (c) and (d) of this AD.

(f) Installation of Modification 8/1473 in accordance with de Havilland Service Bulletin S.B. 8–54–16, Revision A, dated October 26, 1990; Modification 8/0803 in accordance with de Havilland Service Bulletin S.B. 8–27–47, Revision A, dated July 6, 1990; and Modification 8/1649 in accordance with de Havilland Service Bulletin S.B. 8–27–61, dated October 25, 1991; constitutes terminating action for the requirements of paragraphs (c) and (d) of this AD.

(g) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(h) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 1, 1993.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–13298 Filed 6–4–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 92–ANE–23]

Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The document proposes the adoption of a new airworthiness directive (AD) that is applicable to Pratt & Whitney (PW) JT9D series turbofan engines. This proposal would require initial and repetitive inspections of the sixth stage low pressure turbine (LPT) inner airseal, and modification of the sixth stage LPT inner airseal to reduce the potential for two failure modes. This proposal is prompted by reports of thermal mechanical interference inducing low cycle fatigue (LCF) cracks at two locations on the sixth stage LPT inner airseal, resulting in five uncontained failures. The actions specified by the proposed AD are intended to prevent an uncontained failure of the sixth stage LPT inner airseal, which can result in damage to the aircraft.

DATES: Comments must be received by July 7, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92–ANE–23, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this location between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Pratt & Whitney, Publication Department, 400 Main Street, East Hartford, CT 06108. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Daniel Kerman, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 270–2410, fax (617) 270–2412.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action of the proposed rule. The proposal contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–ANE–23." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92–ANE–23, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The Federal Aviation Administration (FAA) has determined that certain sixth stage low pressure turbine (LPT) inner airseals on Pratt & Whitney (PW) JT9D series turbofan engines have failed in two modes. One failure mode is caused by low cycle fatigue (LCF) cracks initiating in the airseal rear retaining wing. This condition results from high loads between the sixth stage blades and the airseal rear retaining wing during certain operating conditions. Cracks initiating in the airseal rear retaining wing inner fillet radius can propagate to a condition where a segment of the rear retaining wing separates. Subsequently, the absence of sections of the rear retaining wing allows sixth stage blades to disengage from the disk and penetrate the turbine exhaust case. Three in-service events have occurred due to this condition. All events have resulted in release of uncontained turbine blades.

The other failure mode for the sixth stage LPT inner airseal is cracking of the airseal knife edge. This failure mode is caused by excessive rubbing with the mating honeycomb shrouds, which can lead to initiation of knife edge cracks. The amount of contact is a function of several variables, including build clearances, engine operating temperatures, and transient operating conditions. Continued engine operation can propagate these cracks until the sixth stage LPT inner airseal fails. Two in-service events have occurred due to this condition. Both have resulted in release of uncontained airseal debris. These conditions, if not corrected, could result in an uncontained failure of the sixth stage LPT inner airseal, which can result in damage to the aircraft.

The FAA has reviewed and approved the technical contents of PW Service Bulletin (SB) No. 5978, Revision 3, dated May 20, 1992; PW SB No. 5979, Revision 2, dated April 28, 1992; PW SB No. 5847, Revision 2, dated October 31,

1990; and PW SB No. 5745, Revision 2, dated October 24, 1990. These SB's describe procedures for initial and repetitive on-wing borescope or eddy current inspections of the sixth stage LPT inner airseal rear retaining wing, initial and repetitive on-wing eddy current inspections of the sixth stage LPT inner airseal knife edges, rework of the sixth stage LPT inner airseal knife edges, and rework of the sixth stage LPT inner airseal rear retaining wing, respectively.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require initial and repetitive on-wing borescope or eddy current inspections of the sixth stage LPT inner airseal rear retaining wing, initial and repetitive on-wing eddy current inspections of the sixth stage LPT inner airseal knife edges, rework of the sixth stage inner airseal knife edges, which is a terminating action to the repetitive knife edge inspections, and rework of the sixth stage LPT inner airseal rear retaining wing. The actions would be required to be accomplished in accordance with the service bulletins described previously.

There are approximately 602 Pratt & Whitney Model JT9D–59A, –70A, –7Q, and –7Q3 turbofan engines of the affected design in the worldwide fleet. The FAA estimates that 121 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 153 workhours per engine to accomplish the required actions, and that the average labor rate is $55 per workhour. The FAA estimates that approximately 50% of affected engines have already incorporated the knife edge modification described in PW SB No. 5847, Revision 2, dated October 31, 1990, and that approximately 5% of affected engines have already incorporated the retaining wing modification described in PW SB No. 5745, Revision 2, dated October 24, 1990. The average utilization of these engines is 2 cycles per day, and the program duration is estimated to be 20 years. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $981,479 over a 20-year period.

The regulations proposed herein would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12292; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Pratt & Whitney: Docket No. 92–ANE–23.

Applicability: Pratt & Whitney (PW) Model JT9D–59A, –70A, –7Q, and –7Q3 turbofan engines, installed on but not limited to Boeing 747 series, McDonnell Douglas DC–10 series, and Airbus A300 series aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent an uncontained failure of the sixth stage low pressure turbine (LPT) inner airseal, which can result in damage to the aircraft, accomplish the following:

(a) For engines that have not had the sixth stage LPT inner airseal reworked in accordance with PW Service Bulletin (SB) No. 5847, Revision 2, dated October 31, 1990, eddy current inspect the sixth stage LPT inner airseal knife edges for cracks in accordance with the Accomplishment Instructions of PW SB No. 5979, Revision 2, dated April 28, 1992, and remove cracked sixth stage LPT inner airseals, as follows:

(1) For sixth stage LPT inner airseals identified by Part Number (P/N) in PW SB No. 5979, Revision 2, dated April 28, 1992, with greater than 2,500 cycles since new (CSN) on the effective date of this AD, accomplish an initial eddy current inspection prior to accumulating more than 250 cycles in service (CIS) after the effective date of this AD, or within 1,000 CIS since the last in-shop fluorescent penetrant inspection, whichever occurs later.

(2) For sixth stage LPT inner airseals listed by P/N in PW SB No. 5979, Revision 2, dated April 28, 1992, with less than or equal to 2,500 CSN on the effective date of this AD, accomplish an initial eddy current inspection prior to accumulating more than 2,750 CSN, or within 1,000 CIS since the last in-shop fluorescent penetrant inspection, whichever occurs later.

(3) For sixth stage LPT inner airseals that meet the continue in service criteria described in PW SB No. 5979, Revision 2, dated April 28, 1992, thereafter eddy current inspect the sixth stage LPT inner airseal knife edges for cracks in accordance with the Accomplishment Instructions of PW SB No. 5979, Revision 2, dated April 28, 1992, at intervals not to exceed 1,000 CIS since the last eddy current inspection in accordance with this AD.

(4) Remove cracked sixth stage LPT inner airseals that do not meet the continue in service criteria described in PW SB No. 5979, Revision 2, dated April 28, 1992, and replace with a new, or serviceable sixth stage LPT inner airseal that has been reworked in accordance with paragraph (b) of this AD.

(b) Rework the sixth stage LPT inner airseal knife edge diameters in accordance with the Accomplishment Instructions of PW SB No. 5847, Revision 2, dated October 31, 1990, at the next shop visit after the effective date of this AD where the LPT module is accessible, or not later than January 1, 1996, whichever occurs first. Accomplishment of this rework constitutes a terminating action to the initial and repetitive inspection requirements of paragraphs (a)(1), (a)(2), and (a)(3) of this AD.

(c) Eddy current or borescope inspect sixth stage LPT inner airseal rear retaining wings for cracks in accordance with the Accomplishment Instructions of PW SB No. 5978, Revision 3, dated May 20, 1992, and remove cracked sixth stage LPT inner airseals, as follows:

(1) For sixth stage LPT inner airseals identified by P/N in PW SB No. 5978, Revision 3, dated May 20, 1992, with greater than 500 CSN on the effective date of this AD, accomplish an initial eddy current or borescope inspection prior to accumulating more than 250 CIS after the effective date of this AD, or 500 CIS since the last in-shop fluorescent penetrant inspection, whichever occurs later.

(2) For sixth stage LPT inner airseals identified by P/N in PW SB No. 5978, Revision 3, dated May 20, 1992, with less than or equal to 500 CSN on the effective date of this AD, accomplish an initial eddy current or borescope inspection prior to accumulating 750 CSN, or 500 CIS since the last in-shop fluorescent penetrant inspection, whichever occurs later.

(3) For sixth stage LPT inner airseals that meet the continue in service criteria described in PW SB No. 5978, Revision 3, dated May 20, 1992, thereafter, eddy current

or borescope inspect the sixth stage LPT inner airseal retaining wing for cracks at intervals specified in accordance with the Accomplishment Instructions of PW SB No. 5978, Revision 3, dated May 20, 1992.

(4) Remove cracked sixth stage LPT inner airseals that do not meet the continue in service criteria described in PW SB No. 5978, Revision 3, dated May 20, 1992, and replace with a new, or serviceable sixth stage LPT inner airseal that has been reworked in accordance with paragraph (d) of this AD.

(5) Thereafter, inspect initially, reinspect, and remove from service, if necessary, the replacement sixth stage LPT inner airseals in accordance with paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD.

(d) Rework the sixth stage LPT inner airseal rear retaining wing in accordance with the Accomplishment Instructions of PW SB 5745, Revision 2, dated October 24, 1990, at the next shop visit after the effective date of this AD where the LPT module is accessible, or not later than January 1, 1996, whichever occurs first.

Note: Rework of the sixth stage LPT inner airseal rear retaining wing in accordance with paragraph (d) of this AD does not exempt sixth stage LPT inner airseals from initial and repetitive inspections in accordance with paragraphs (c)(1), (c)(2), (c)(3) of this AD.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on May 27, 1993.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 93–13299 Filed 6–4–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 93–SW–02–AD]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale and Eurocopter France Model SE 3160, SA 315B, SA 316B, SA 316C, and SA 319B Series Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Societe Nationale Industrielle Aerospatiale and Eurocopter France Model SE 3160, SA 315B, SA 316B, SA 316C, and SA 319B series helicopters, when equipped with certain main rotor blades. This proposal would require installation of a supplemental outside air temperature (OAT) and V_{NE} flip chart placard for use in cold temperature operations and use of a new flight manual supplement. This proposal is prompted by several reports of excessive main rotor vibrations and associated cyclic and collective control feedback forces occurring under conditions of high altitude, high gross weight, cold temperatures, and higher flight speeds when the helicopter is equipped with a certain main rotor blade design. The actions specified by the proposed AD are intended to prevent excessive main rotor vibrations and associated cyclic and collective feedback, which could result in failure of rotor and control system components, and subsequent loss of control of the helicopter.

DATES: Comments must be received by August 6, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–SW–02–AD, 4400 Blue Mound Road, Fort Worth, Texas 76106. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Les "Blades" de l' Helicoptere, Ltd., 5132 Greencrest Road, La Canada Flintridge, California 91011. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 4400 Blue Mound Road, bldg. 3B, room 158, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Ms. Lirio Liu, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806–2425, telephone (310) 988–5229, fax (310) 988–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93–SW–02–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–SW–02–AD, 4400 Blue Mound Road, Fort Worth, Texas 76106.

Discussion

This notice proposes the adoption of a new airworthiness directive (AD) that is applicable to Societe Nationale Industrielle Aerospatiale and Eurocopter France Model SE 3160, SA 315B, SA 316B, SA 316C, and SA 319B helicopters, equipped with main rotor blades, part number (P/N) LOM L3160–100, installed in accordance with Supplemental Type Certificate (STC) SH778GL that is owned by Les "Blades" de l'Helicoptere, Ltd. Several operators have reported incidents of main rotor out-of-track conditions, excessive main rotor vibrations, and associated cyclic and collective control system feedback. These incidents reportedly occurred under conditions of high altitude, high gross weight, and cold temperatures (+10°C to −30°C). Les "Blades" de l'Helicoptere, Ltd. conducted a study and concluded the cause was related to main rotor blade "Tip Mach" effects that are, in part, associated with operating in cold temperatures. The critical "Tip Mach" number decreases with an increased angle of attack of the blades, which is affected by helicopter weight, load factor, and operating altitude. This condition, if not

corrected, could result in a main rotor out-of-track condition, excessive main rotor vibrations, failure of rotor and control system components, and subsequent loss of control of the helicopter.

The FAA has reviewed and approved Les "Blades" de l'Helicoptere, Ltd. Service Information Letter (SIL) No. 1–11–92A, dated December 3, 1992, that imposes additional airspeed limitations by requiring installation of a new outside air temperature (OAT) and V_{NE} airspeed limitation flip chart placard, P/N LOM 3160–151, for cold temperature operations (+10°C to −30°C). The FAA approved a new Helicopter Flight Manual Supplement on November 25, 1992, for the STC No. SH778GL, which contains the currently approved operating limitations and procedures.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require: (1) use of the Helicopter Flight Manual Supplement dated November 25, 1992, and (2) installation of the OAT and V_{NE} cold temperature flip chart placard described in the flight manual supplement. The FAA notes an OAT gauge is required equipment for these helicopters. The actions would be required to be accomplished in accordance with the service information letter described previously.

The FAA estimates that 35 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per helicopter to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,925.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale and Eurocopter France: Docket No. 93–SW–02–AD.

Applicability: Model SE 3160, SA 315B, SA 316B, SA 316C, and SA 319B series helicopters, equipped with main rotor blades, part number (P/N) LOM L3160–100, installed in accordance with STC No. SH778GL, certificated in any category.

Compliance: Required within 25 hours' time-in-service after the effective date of this AD, unless accomplished previously.

To prevent excessive main rotor vibrations and associated cyclic and collective control system feedback, which could result in failure of rotor and control system components, and subsequent loss of control of the helicopter, accomplish the following:

(a) Install an outside air temperature (OAT) and V_{NE} flip chart placard, P/N LOM 3160–151, on top of the instrument panel immediately to the right of the existing V_{NE} placard, using velcro strips as described in the manufacturer's Service Information Letter No. 1–11–92A dated December 3, 1992.

(b) After compliance with paragraph (a) of this AD, operate the helicopter in accordance with the Helicopter Flight Manual Supplement, approved and dated November 25, 1992, that is applicable to helicopters modified in accordance with STC SH778GL.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806–2425. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Manager, Los Angeles Aircraft Certification Office.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished, provided the indicated airspeed is limited to no more than 50 knots.

Issued in Fort Worth, Texas, on May 3, 1993.

James D. Erickson,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 93–13307 Filed 6–4–93; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910 and 1928

[Docket No. H–044]

Occupational Exposure to 2-Methoxyethanol, 2-Ethoxyethanol and Their Acetates (Glycol Ethers)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule and notice of hearing; corrections.

SUMMARY: This notice corrects errors that appeared in the Notice of Proposed Rulemaking (NPRM) for Occupational Exposure to 2-Methoxyethanol, 2-Ethoxyethanol and their Acetates (Glycol Ethers) that the Occupational Safety and Health Administration (OSHA) published on March 23, 1993 (58 FR 15526). Information concerning public participation is repeated, although no changes are being made.

DATES: Written comments on the proposed standard must be postmarked on or before June 7, 1993. Notices of Intention to Appear at the informal public hearings on the proposed standard must be postmarked by June 7, 1993. Parties who request more than 10 minutes for their presentations at the informal public hearing and parties who submit documentary evidence at the hearing must submit the full text of their testimony and all documentary evidence no later than June 28, 1993. The informal public hearing is scheduled to begin on July 20, 1993.

ADDRESSES: Written comments should be submitted in quadruplicate to the OSHA Docket Officer, Docket No. H–044, room N–2625, U.S. Department of

Labor, 200 Constitution Ave., NW., Washington, DC 20210.

Notices of Intention to Appear at the informal rulemaking hearing, testimony, and documentary evidence are to be sent to Mr. Tom Hall, OSHA Division of Consumer Affairs, Docket No. H–044, room N–3662, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, OSHA Office of Public Affairs, room N–3647, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210, 202–219–8151.

SUPPLEMENTARY INFORMATION: On March 23, 1993, the Occupational Safety and Health Administration (OSHA) issued a Notice of Proposed Rulemaking (NPRM) to amend its existing regulation on occupational exposure to 2–Methoxyethanol (2–ME), 2–Ethoxyethanol (2–EE) and their acetates (2–MEA, 2–EEA) ("Glycol Ethers").

Need for Corrections

Certain errors and omissions occurred during the processing of the NPRM. First, a typographical error in the Scope and Application discussion in the Summary and explanation section of the preamble indicated that solids made from or containing glycol ethers that are "capable", rather than incapable, or releasing those glycol ethers into the workplace air at or above the action levels or above the excursion levels would be exempted from coverage of the proposed rule.

Second, while OSHA in the Summary section of the preamble to the NPRM indicated its intention that the proposed rule cover general industry as well as maritime, construction and agriculture industries, OSHA did not discuss in the Summary and Explanation section of the preamble its intention to include the maritime and agriculture industries in the coverage of the glycol ethers standards.

Third, certain typographical errors occurred in the printing of new paragraph (n) which OSHA has proposed to be added to § 1910.19.

Fourth, OSHA omitted proposing a new paragraph (a)(6) to be added to § 1928.21 to reflect application of the proposed glycol ethers standard to the agriculture industry.

Correction of Publication

Accordingly, the publication of March 23, 1993 of the proposed standard on occupational exposure to glycol ethers which appeared at 48 FR 15526 is corrected as follows:

X. Summary and Explanation of the Proposed Standard—[Corrected]

1. On page 15592, third column, second complete paragraph, the first sentence is corrected to read:

"OSHA also proposes that solids made from or containing glycol ethers that are incapable of releasing those glycol ethers into the workplace air at or above the action levels or above excursion levels are also exempt from the scope of this standard."

2. On page 15593, second column, the second paragraph is removed and the following text is inserted in place.

"OSHA is proposing that maritime and construction be included under the scope of the standard, by amending section § 1910.19 to add new paragraph (n) for glycol ethers. OSHA is also proposing that agriculture be included under the scope of this standard, by amending section § 1928.21 to add new paragraph (a)(6). OSHA welcomes data and other evidence on the use of and exposure to glycol ethers in the maritime, construction and agriculture industries which may be different from those in general industry. OSHA also welcomes comment on other issues which should be examined in applying a standard on glycol ethers to the maritime, construction and agriculture industries."

"With regard to maritime, epidemiologic evidence in the record (Exs. 5–102, 5–103, 5–104) suggests that certain workers in this industry are exposed to glycol ethers. While OSHA believes that the proposed standard would not have a significant impact on the maritime industry, OSHA believes that exposures in certain operations may be significant and it is necessary that such employees be protected by the glycol ethers standard."

"With regard to construction, OSHA believes, based on current evidence, that the proposed standard also would have little impact. However, a significant source of exposure may occur in maintenance operations at facilities that manufacture, formulate or use glycol ethers or liquids containing glycol ethers. Exposure during these operations may be relatively high, and it is necessary, therefore, that employees wear respirators, receive medical examinations and be protected by the other provisions of the proposed glycol ethers standard. Sometimes such facilities hire outside contractors to perform maintenance operations. The contention is sometimes made that the maintenance operations should be considered to be construction activities and not subject to general industry standards. Employees of such contractors are subject to the same levels of glycol ethers and need the same protection as other exposed employees. OSHA proposes to cover these employees under the glycol ethers standard."

3. On page 15615, second column, item 2, § 1910.19(n) is corrected to read as follows:

§ 1910.19 Special provision for air contaminants.

* * * * *

(n) *Glycol ethers.* Section 1910.1031 shall apply to the exposure of every employees to glycol ethers, as defined in § 1910.1031, in every employment and place of employment covered by § § 1910.12, 1910.13, 1910.14, 1910.15 and 1910.16 in lieu of any different standard on exposures to glycol ethers which would otherwise be applicable by virtue of those sections.

PART 1928—[AMENDED]

4. On page 15632, third column, following the conclusion of appendix F, new amendatory instructions 6 and 7 are added to read:

6. The authority citation for 29 CFR part 1928 continues to read:

Authority: Secs. 4, 6, and 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Orders Nos. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736) or 9–83 (48 FR 35736), as applicable; and 29 CFR part 1911.

Section 1928.21 also issued under 5 U.S.C. 553.

7. A new paragraph (a)(6) is proposed to be added to § 1928.21 to read:

§ 1928.21 Applicable standards in 29 CFR Part 1910.

* * * * *

(a) * * *

(6) Glycol ethers—§ 1910.1031.

* * * * *

This document was prepared under the direction of David C. Ziegler, Acting Assistant Secretary for Occupational Safety and Health, 200 Constitution Ave., NW., Washington, DC 20210.

Signed at Washington, DC this 28th day of May, 1993.

David C. Zeigler,

Acting Assistant Secretary of Labor.

[FR Doc. 93–13214 Filed 6–4–93; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

Pennsylvania Regulatory Program; Bonding

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing receipt and requesting comments on a proposed amendment to the Pennsylvania permanent regulatory program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment (Administrative Record Number PA 822.00) provides the permittee with additional financial instrument options for posting the performance bond that is required to be submitted and approved by the regulatory authority before the permit is issued or mining initiated.

This document sets forth the times and locations that the Pennsylvania program and the proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the amendment and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received on or before 4 p.m. on July 7, 1993 to ensure consideration in the rulemaking process. If requested, a public hearing on the amendment will be held at 9 a.m. on July 2, 1993. Requests to present testimony at the hearing must be received on or before 4 p.m. on June 22, 1993.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand delivered to Robert J. Biggi, Director, Harrisburg Field Office at the addresses listed below. Copies of the Pennsylvania program, the proposed amendment, and all written comments received in response to this document will be available for public review at the address listed below during normal business hours, Monday through Friday, excluding holidays. Each requestor may receive, free of charge, one copy of the proposed amendment by contacting OSM's Harrisburg Field Office.

Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Harrisburg Transportation Center, Third Floor, suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101, Telephone: (717) 782–4036

Pennsylvania Department of Environmental Resources, Bureau of Mining and Reclamation, room 209 Executive House, 2nd and Chestnut Streets, P.O. Box 8461, Harrisburg, Pennsylvania 17105–8461, Telephone: (717) 787–5103.

A public hearing, if held, will be at the Penn Harris Motor Inn and Convention Center at the Camp Hill Bypass and U.S. Routes 11 and 15, Camp Hill, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Director, Harrisburg Field Office, (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program

The Secretary of the Interior conditionally approved the Pennsylvania program on July 31, 1982. Information on the background of the Pennsylvania program including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982, **Federal Register** (47 FR 33050). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 938.11, 938.12, 938.15 and 938.16.

II. Discussion of Amendment

Section 4(D) of Pennsylvania's Surface Mining Conservation and Reclamation Act requires that the permit applicant file a performance bond with the Pennsylvania Department of Environmental Resources (PADER) before a permit can be issued or mining initiated. The financial instruments that may be used for the performance bond are: Surety bonds; cash; automatically renewable irrevocable bank letters of credit; or negotiable bonds of the United States Government or the Commonwealth of Pennsylvania, the Pennsylvania Turnpike Commission, the General State Authority, the State Public School Building Authority, or any municipality within the Commonwealth. On December 18, 1992, Pennsylvania's governor Robert P. Casey signed House Bill 78 (Act 173) amending the Pennsylvania Surface Mining Conservation and Reclamation Act, including section 4(D). Section 4(D) was amended to provide the permit applicant with additional financial instrument options for posting the performance bond. These options include: a life insurance policy; an annuity or trust fund; or other financial instruments authorized by the Environmental Quality Board by regulation.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comments on whether the amendments proposed by Pennsylvania satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Pennsylvania program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Harrisburg Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m. on July 22, 1993. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment, and who wish to do so, will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held.

Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Harrisburg Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each

meeting will be made part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12291

On July 12, 1984, the Office of Management and Budget (OMB) granted the Office of Surface Mining Reclamation and Enforcement (OSM) an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs, actions and program amendments. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of the Surface Mining Control and Reclamation Act (SMCRA) (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.13 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decision on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3507 *et seq.*

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Hence, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 27, 1993.

Jeffrey D. Jarrett,

Acting Assistant Director, Eastern Support Center.

[FR Doc. 93–13300 Filed 6–4–93; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 938

Pennsylvania Regulatory Program; Self-Bonding

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing receipt and requesting comments on a proposed amendment to the Pennsylvania permanent regulatory program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment (Administrative Record Number PA 823.00) establishes a self-bonding program as an alternative to the current financial instrument options available to the permittee for posting a performance bond. The performance bond is required to be submitted and approved by the regulatory authority before the permit is issued or mining initiated.

This document sets forth the times and locations that the Pennsylvania program and the proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the amendment and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received on or before 4 p.m. on July 7, 1993 to ensure consideration in the rulemaking process. If requested, a public hearing on the amendment will be held at 9 a.m. on July 2, 1993. Requests to present testimony at the hearing must be received on or before 4 p.m. on June 22, 1993.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand delivered to Robert J. Biggi, Director, Harrisburg Field Office at the address listed below. Copies of the Pennsylvania program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requestor may receive, free of charge, one copy of the proposed amendment by contacting OSM's Harrisburg Field Office.

Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Harrisburg Transportation Center, Third Floor, suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101, Telephone: (717) 782–4036

Pennsylvania Department of Environmental Resources, Bureau of Mining and Reclamation, room 209 Executive House, 2nd and Chestnut Streets, P.O. Box 8461, Harrisburg, Pennsylvania 17115–8461, Telephone: (717) 787–5103.

A public hearing, if held, will be at the Penn Harris Motor Inn and Convention Center at the Camp Hill Bypass and U.S. Routes 11 and 15, Camp Hill, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Director, Harrisburg Field Office, (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program

The Secretary of the Interior conditionally approved the Pennsylvania program on July 31, 1982. Information on the background of the Pennsylvania program including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982, **Federal Register** (47 FR 33050). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 938.11, 938.12, 938.15 and 938.16.

II. Discussion of Amendment

The Pennsylvania Department of Environmental Resources (PADER) published proposed rules in the Pennsylvania Bulletin (17 Pa. B. 4047) on October 10, 1987, to establish a self-bonding program. PADER published final rules in the Pennsylvania Bulletin (20 Pa. B. 2517) on May 12, 1990, but did not submit the rules as a program amendment at that time. Afterwards, PADER identified that the definition of "tangible net worth" was not consistent with the Federal definition and published proposed rules (21 Pa. B. 5142) on November 2, 1991, to correct the inconsistency. On May 11, 1993, PADER submitted the final rules (20 Pa. B. 2517) and proposed rules (21 Pa. B. 5142) as an amendment (Administrative Record Number PA 823.00) to the approved regulatory program.

The amendment provides a permit applicant with the option to use a self-bond as a financial instrument instead of a surety or collateral bond for the performance bond required by PADER before a coal mine permit may be issued or coal mining activities conducted. The proposed amendment also allows an eligible permittee to replace an existing surety or collateral bond with a self-bond. The amendment affects 25 Pa. Code as listed below.

Section 86.142. Definitions

Definitions for the following terms were added to this section: Adverse opinion, applicant, continuous business operation, current asset, current liability, disclaimer of opinion, financial statement, fixed asset, independent certified public accountant, liability, net worth, parent corporation, and tangible net worth. The amendment also deletes the definitions for quick assets, liquidity ratio, and retained earnings.

Section 86.159. Self-Bonding

Section 86.159 is revised to establish the procedures and criteria to be used by the Regulatory Authority in determining whether a coal mine permittee is eligible to use self-bonding in lieu of a surety or collateral bond.

Section 86.166. Replacement of Bonds

The revision to 86.166 will allow an eligible permittee to replace an existing surety or collateral bond with a self-bond.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comments on whether the amendments proposed by Pennsylvania satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Pennsylvania program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Harrisburg Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m. on June 22, 1993. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment, and who wish to do so, will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held.

Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Harrisburg Field Office by contacting the persons listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public end, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each meeting will be made part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12291

On July 12, 1984, the Office of Management and Budget (OMB) granted the Office of Surface Mining Reclamation and Enforcement (OSM) an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs, actions and program amendments. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by specific State, not by OSM. Under sections 503 and 505 of the Surface Mining Control and Reclamation Act (SMCRA) (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.13 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(c) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3507 *et seq.*

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Hence, this rule will ensure that existing

requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 27, 1993.

Jeffrey D. Jarrett,

Acting Assistant Director, Eastern Support Center.

[FR Doc. 93-13301 Filed 6-4-93; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CT13-1-5835, MA21-1-5837, NH10-1-5836, RI8-1-5834; FRL-4663-5]

Approval and Promulgation of Air Quality Implementation Plans; the States of Connecticut, Massachusetts, New Hampshire, and Rhode Island; Conditional Approval of Substitute Program for the Clean-Fuel Fleet Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the States of Connecticut, Massachusetts, New Hampshire, and Rhode Island. Each of these States in EPA Region I have individually requested conditional approval of a commitment to submit a substitute program for the Clean Air Act Clean-Fuel Fleet program. Section 182(c)(4) of the Clean Air Act provides that, in order to opt-out of the fleet program, states must submit a substitute program or programs which achieve at least equal long-term emission reductions of ozone-producing and toxic air emissions. This action is being taken under section 110 of the Clean Air Act. Specifically, EPA proposes conditional approval under section 110(k)(4) of these commitments, and thereby proposes to preserve the opportunity of these states to opt-out of the Clean-Fuel Fleet program. Section 110(k)(4) provides that, if a State fails to comply with its commitment, such conditional approval will be treated as a disapproval.

DATES: Comments must be received on or before July 7, 1993. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES Comments may be mailed to Linda M. Murphy, Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittals and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA 02203 and the Bureau of Air Management, Connecticut Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, CT 06101; Division of Air Quality Control, Massachusetts Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108; Air Resources Division, New Hampshire Department of Environmental Services, 64 North Main Street, Caller Box 2033, Concord, NH 03302-2033; and the Division of Air and Hazardous Materials, Rhode Island Department of Environmental Management, 291 Promenade Street, Providence, RI 02908-5767.

FOR FURTHER INFORMATION CONTACT: Robert C. Judge, (617) 565-3233.

SUPPLEMENTARY INFORMATION: The States of Connecticut, Massachusetts, New Hampshire, and Rhode Island have submitted commitments to adopt a substitute program in order to opt out of the Clean Fuel Fleet Program. A formal SIP revision request was submitted by the State of Connecticut on November 13, 1992. Massachusetts submitted a request for parallel processing on November 13, 1992, and a formal request on May 7, 1993. New Hampshire submitted a request for parallel processing on November 13, 1992, and a formal request on January 14, 1993. Rhode Island submitted a draft request on October 29, 1992, and a formal request on January 11, 1993.

Section 182(c)(4) of the Clean Air Act (CAA) allows states to opt-out of the Clean-Fuel Fleet Program by submitting for EPA approval, a State Implementation Plan (SIP) revision consisting of a program or programs resulting in equal or greater long-term emission reductions in ozone-producing and toxic air emissions. EPA can approve such a revision "only if it consists exclusively of provisions other than those required under (Title I) for the area." Section 182(c)(4) provides that EPA is to approve or disapprove the revision by May 15, 1993, that EPA is to publish the revision upon receipt, and that such notice shall constitute a notice of proposed rulemaking on whether or not to approve the revision. Section 182(c)(4) also provides that such notice shall be deemed to comply with the requirements of Sections 553 through 557 of the Administrative Procedures Act concerning notice and comment. This notice serves that purpose.

EPA has determined that States intending to opt out of the fleet program could do so by submitting a commitment to opt out of the fleet program, by November 15, 1992. If EPA conditionally approved that commitment, then the State would be required to submit a fully adopted SIP revision fulfilling that commitment by May 15, 1994 (the deadline for submitting SIP revisions to implement the fleet program pursuant to section 246(a) of the CAA). If the State fails to submit a SIP revision fulfilling its commitment, the conditional approval will be treated as a disapproval and the State will be obligated to submit a fully-adopted SIP revision to implement the fleet program in accordance with section 246(a) of the CAA. EPA believes that this approach is consistent with the provisions of the Act and will ensure that, by May 15, 1994, the deadline for the submission of the fleet program SIP revisions, a SIP revision either implementing the fleet program or a substitute achieving equal or greater air quality benefit will have been submitted to EPA.

In their SIP revisions, Connecticut, Massachusetts, and Rhode Island each evaluated the relative effectiveness of "opting-in" to the California low emission vehicle (LEV) program. New Hampshire evaluated the benefits of "opting-in" to the Federal reformulated gasoline program. A copy of the State's commitment is available at the address listed in the Addresses section above. Today, EPA is proposing conditional approval of these commitments under section 110(k)(4) of the Act.

EPA may require much greater detail describing why and how the substitute programs achieve long-term reductions in ozone-producing and toxic air emission equal to or greater than those provided by the federal clean-fuel fleet program in each state's final submittal to meet its commitment. A failure to submit the necessary detail in the SIP submittal will result in EPA disapproval of that submittal. EPA expects that the States will consider their reasonable further progress goals in making their decision whether to opt-out of the clean-fuel fleet program.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP approval does not impose any new requirements, I certify that it does not have significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of State action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 96 S. Ct. 2518 (1976); 42 U.S.C. Section 7410(a)(2).

Proposed Action

EPA is proposing to conditionally approve State Implementation Plan (SIP) revisions submitted individually by the States of Connecticut, Massachusetts, New Hampshire, Rhode Island. These States in EPA Region I have each requested conditional approval of a commitment to submit a substitute program for the Clean Air Act Clean-Fuel Fleet program.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225).

Under 5 U.S.C. 605(b), the Administrator certifies that SIP approvals under Sections 107, 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. SIP approvals (or redesignations) do not create any new requirements but simply approve requirements that are already State law. SIP approvals (or redesignations), therefore do not add any additional requirements for small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis for a SIP approval would constitute Federal inquiry into the economic reasonableness of the State actions. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds.

On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

The Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations at 40 CFR Part 51.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, and Ozone.

Authority: 42 U.S.C. 7401–7671q.

Dated: May 27, 1993.

Paul G. Keough,

Acting Regional Administrator, Region I.

[FR Doc. 93–13228 Filed 6–4–93; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[OH20–1–5388; FRL–4661–1]

Approval and Promulgation of Implementation Plans, Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Notice of extension of public comment period.

SUMMARY: USEPA is giving notice that the public comment period for a notice of proposed rulemaking published April 12, 1993 (FR 19075) has been extended 30 days. The April 12, 1993 rulemaking proposed to approve and disapprove specific portions of a requested site-specific State Implementation Plan (SIP) revision to the ozone control provisions of the Ohio SIP for the Columbus Coated Fabrics (CCF) facility in Franklin County, Ohio. USEPA is extending the comment period an additional 30 days, based on an extension request by an attorney representing Columbus Coated Fabrics, to June 14, 1993.

DATES: Comments must be postmarked on or before June 14, 1993.

ADDRESSES: Written comments should be sent to: William L. MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE–17J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Bonnie J. Bush, Air Enforcement Branch (AE–17J), 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–6684.

This action has been classified as a Table Three action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989, (54 FR 2213–2225). On January 6, 1989, the Office of Management and Budget waived Tables Two and Three SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of 2 years. USEPA has submitted a request for a permanent waiver for Tables Two and Three SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on USEPA's request.

Authority: 42 U.S.C. 7401–7671q.

Dated: May 19, 1993.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 93–13281 Filed 6–4–93; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7068]

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (100-year) flood elevations and proposed base flood elevation modifications for the communities listed below. The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for

participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646–2766.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for each community listed, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a)

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Impact Analysis

This proposed rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

§ 67.4 [Amended]

3. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/Town/County	Source of Flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Arizona	Maricopa County, Unincorporated Areas.	Aguila Farm Channel	At the confluence with Centennial Wash	None	*2,110
			Just upstream of Eagle Eye Avenue	*2,166	*2,162
			Approximately 1.86 miles upstream of Eagle Eye Avenue.	None	*2,197
		North Branch Centennial Wash.	At the confluence with Aguila Farm Channel.	None	*2,119
			Approximately 2.65 miles upstream of the confluence with Aguila Farm Channel.	None	*2,164
		Caterpillar Tank Wash	At the confluence with Agua Fria River	None	*1,266
			At Caterpillar Tank Road	None	*1,397
			Upstream of CAP Canal	None	*1,526
		Cave Creek Wash	Approximately 1,700 feet upstream of the Granite Reef Aqueduct (CAP Canal).	*1,518	*1,519
			Just downstream of Cave Buttes Dam	None	*1,563
			Approximately 740 feet upstream of Morning Star Road.	*2,148	*2,148
			At the confluence with Cottonwood Creek	None	*2,291
			At Spur Cross Road	None	*2,349
		Centennial Wash	At La Paz-Maricopa County line	None	*2,050
			At the confluence with Aguila Farm Channel.	None	*2,110
		Cline Creek	At the confluence with Skunk Creek	*2,002	*2,002
			At New River Road	None	*2,055

State	City/Town/County	Source of Flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 2,350 feet upstream of 12th Street.	None	*2,208
		Tributary X5	At the confluence with Cline Creek	None	*2,092
			Approximately 1,350 feet upstream of 14th Street.	None	*2,259
		Tributary C6	At the confluence with Cline Creek	None	*2,076
			Approximately 630 feet upstream of 18th Street (at the confluence with Tributary X1).	None	*2,239
		Tributary C8	At the confluence with Cline Creek	None	*2,076
			Just downstream of 16th Street	None	*2,205
			Approximately 1.53 miles upstream of 16th Street.	None	*2,390
		Tributary X1	Approximately 800 feet downstream of 20th Street (at the confluence with Tributary C6).	None	*2,238
			Approximately 2,950 feet upstream of 22nd Street.	None	*2,425
		Tributary X2	Approximately 200 feet downstream of 18th Street (at the confluence with Tributary C6).	None	*2,219
			Approximately 1,200 feet upstream of 22nd Street.	None	*2,422
		Tributary X3	Approximately 370 feet downstream of 14th Street (at the confluence with Tributary C6).	None	*2,160
			Approximately 580 feet upstream of 20th Street.	None	*2,314
		Tributary X4A	At the confluence with Tributary C6	None	*2,090
			Approximately 1,200 feet upstream of 12th Street.	None	*2,194
		Tributary X4B	At the confluence with Tributary C6	None	*2,126
			Approximately 525 feet upstream of 12th Street.	None	*2,190
		Cottonwood Creek	At the confluence with Cave Creek Wash	None	*2,292
			Just upstream of Sierra Vista Drive	None	*2,388
			Approximately 1.5 miles upstream of the confluence with Cottonwood Creek-Tributary 1.	None	*2,672
			Approximately 3.25 miles upstream of the confluence with Cottonwood Creek-Tributary 1.	None	*3,220
		Cottonwood Creek—Tributary 1.	At the confluence with Cottonwood Creek	None	*2,410
			Approximately 2,500 feet upstream of the confluence with Cottonwood Creek—Tributary 2.	None	*2,545
		Cottonwood Creek—Tributary 2.	At the confluence with Cottonwood Creek—Tributary 1.	None	*2,452
			Approximately 1,150 feet upstream of the confluence with Cottonwood Creek—Tributary 1.	None	*2,507
		East Garambullo, Wash	At the confluence with Twin Buttes Wash	None	*1,420
			Upstream of CAP Canal	None	*1,529
		Flemming Springs, Wash	At the confluence with Willow Springs Wash.	None	*2,534
			Approximately 800 feet upstream of Unnamed Road.	None	*2,823
		Gila River	Approximately 1.0 mile north of the intersection of Indian Road and Stout Road.	None	*661
			Approximately 3,400 feet downstream of Fornes Road.	None	*661
			At Pierpont Road	None	*679
			At Woods Road	None	*698
			Approximately 4,300 feet west of the intersection of Old U.S. Highway Eighty and Section Line 35/36 in Township 2 North and Range 5 West.	None	*732

State	City/Town/County	Source of Flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Just upstream of Gillespie Dam	*765	*765
		Flooding behind Gila Bend Canal.	Approximately 2,000 feet east, then 1,200 downstream from the intersection of Old U.S. Highway Eighty and Pierpont Road.	None	*745
			Approximately 2,000 feet east, then 1,0 mile upstream from the intersection of Old U.S. Highway Eighty and Pierpont Road.	None	*753
			Approximately 4,000 feet downstream of Gillespie Dam.	None	#1
			Approximately 2,800 feet east and 1,500 feet south of the intersection of Old U.S. Highway Eighty and Patterson Road.	None	#1
			Approximately 4,500 feet south and 3,500 feet east of the intersection of Old U.S. Highway Eighty and Fornes Road.	None	#1
			Approximately 200 feet north of the intersection of Old U.S. Highway Eighty and Section Line 35/36 in Township 2 North and Range 5 West.	None	#2
			Approximately 1,000 feet east of the intersection of Old U.S. Highway Eighty and Patterson Road.	None	#2
			Just north of Woods Road	None	#2
			Approximately 2,500 feet south and 4,000 feet east of Old U.S. Highway Eighty and Pierpont Road.	None	#2
			Approximately 2,500 feet south and 4,300 feet east of the intersection of Old U.S. Highway Eighty and Fornes Road.	None	#2
			Approximately 100 feet east of the intersection of Watermelon Road and Gila Bend Canal.	None	#2
			Approximately 1.7 miles upstream of Woods Road.	None	#3
			Just south of Woods Road	None	#3
			Approximately 1,500 feet south and 3,000 feet east of the intersection of Old U.S. Highway Eighty and Pierpont Road.	None	#3
			Approximately 8,000 feet south and 5,000 feet east of the intersection of Old U.S. Highway Eighty and Pierpont Road.	None	#3
			Approximately 500 feet east of the intersection of Old U.S. Eighty and Cotton Center Road.	None	#3
		Grass Wash	At the Atchison, Topeka, and Santa Fe Railroad.	*2,156	*2,159
			Approximately 200 feet upstream of U.S. Highway 60 & 70.	*2,158	*2,160
			At Black Eagle Road	None	*2,174
			Approximately 3.7 miles upstream of Black Eagle Road.	None	*2,211
		Jackrabbit Wash	Approximately 700 feet downstream of the CAP Canal.	None	*1,358
			At Wickenburg Road	None	*1,522
			Approximately 200 feet upstream of Vulture Mine Road.	None	*1,710
		Unnamed Tributary of Jackrabbit Wash.	At the confluence with Jackrabbit Wash	None	*1,450
			Just downstream of Wickenburg Road	None	*1,508
			At Vulture Mine Road	None	*1,703
		Morgan City Wash	At the confluence with Agua Fria River	None	*1,419
			Just upstream of Castle Hot Springs Road.	None	*1,686
			At the confluence of Tributary M–8	None	*1,864
			At the confluence of Tributary M–5	None	*2,135

State	City/Town/County	Source of Flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 2,900 feet upstream of the confluence of M–2 Tributary.	None	*2,520
		Rodger Creek	At the confluence with Skunk Creek	*1,916	*1,916
			At New River Road	None	*2,037
			At the confluence with Tributary R–2	None	*2,282
			Approximately 2.0 miles upstream of the confluence with Tributary R–2.	None	*2,555
		Rowe Wash	Approximately 1,925 feet downstream of the confluence with Rowe Wash-Tributary 2.	None	*2,704
			Approximately 25 feet downstream of the confluence with Rowe Wash—Tributary 2.	None	*2,844
		Star Wash	At the confluence with Jackrabbit Wash	None	*1,367
			Approximately 2.1 miles above the confluence with Jackrabbit Wash.	None	*1,422
		Trilby Wash	Approximately 1,350 feet upstream of CAP Canal (at Jomax Road Alignment).	None	*1,556
			At Patton Road	None	*1,587
			At White Wing Road	None	*1,669
			Just downstream of the convergence with Trilby Wash—West Channel.	None	*1,742
			At Grand Avenue (U.S. Highways 60 & 89).	*1,855	*1,855
		Trilby Wash Middle Channel.	At the convergence with Trilby Wash-West Channel.	None	*1,751
			At the divergence from Trilby Wash	None	*1,774
		Trilby Wash West Channel	At the convergence with Trilby Wash	None	*1,743
			At the divergence from Trilby Wash	None	*1,783
		Twin Buttes Wash	At the confluence with Agua Fria River	None	*1,240
			Just downstream of Beardsley Canal crossing.	None	*1,318
			At the confluence of East Garambullo Wash.	None	*1,420
			Upstream of CAP Canal	None	*1,518
		Wagner Wash	At the confluence with Hassayampa River	None	*1,247
			At the lower crossing of Sun Valley Parkway.	None	*1,439
			At the upper crossing of Sun Valley Parkway.	None	*1,499
			At the CAP Canal	None	*1,552
		West Garambullo Wash	At the confluence of East Garambullo Wash.	None	*1,424
			Upstream of CAP Canal	None	*1,534
		White Peak Wash	At the confluence with Twin Buttes Wash	None	*1,373
			At the confluence of West Fork White Peak Wash.	None	*1,458
			Upstream of CAP Canal	None	*1,533
		West Fork White Peak Wash.	At the confluence of White Peak Wash	None	*1,458
			Upstream of CAP Canal	None	*1,533
		Willow Springs Wash	Approximately 275 feet upstream of the confluence with Willow Springs Wash—Tributary 2.	None	*2,218
			Approximately 2,000 feet upstream of the confluence with Willow Springs Wash-Tributary 2.	None	*2,255
			Approximately 2,550 feet downstream of Sierra Vista Drive (lower crossing).	None	*2,273
			At Sierra Vista Drive (lower crossing)	None	*2,334
			Approximately 1,800 feet upstream of the confluence with Flemming Springs Wash and Unnamed Road.	None	*2,612
		Willow Springs Wash-Tributary 1.	Approximately 1,250 feet down-stream of Morningstar Road.	None	*2,162
			Just upstream of Spur Cross Road	None	*2,204
			Approximately 2.1 miles upstream of Spur Cross Road.	None	*2,519

State	City/Town/County	Source of Flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Willow Springs Wash-Tributary 1A.	At the confluence with Willow Springs Wash-Tributary 1.	None	*2,210
			Approximately 0.97 mile upstream of the confluence with Willow Springs Wash-Tributary 1.	None	*2,490
		Willow Springs Wash-Tributary 2.	Approximately 100 feet upstream of the confluence with Willow Springs Wash.	None	*2,211
			At the confluence with Willow Springs Wash-Tributary 2A.	None	*2,282
			Approximately .94 mile upstream of the confluence with Willow Springs Wash-Tributary 2A.	None	*2,467
		Willow Springs Wash-Tributary 2A.	At the confluence with Willow Springs Wash-Tributary 2.	None	*2,281
			Approximately 1.0 mile upstream of the confluence with Willow Springs Wash-Tributary 2.	None	*2,462
		Willow Springs Wash-Tributary 4.	At the confluence with Willow Springs Wash.	None	*2,336
			Approximately 1.1 miles upstream of the confluence with Willow Springs Wash.	None	*2,562
		Flooding behind CAP Canal.	Just upstream of the confluence of Daggs Wash and CAP Canal.	None	*1,382
			Approximately 2,800 feet west and 1,200 feet south of the intersection of CAP siphon and Hassayampa River.	None	*1,349
			Approximately 3,500 feet west and 2,500 feet south of the intersection of CAP siphon and Hassayampa River.	None	*1,355
			Approximately 2,300 feet west and 500 feet south of the CAP siphon and Hassayampa River.	None	*1,353
			500 feet north of the intersection of the CAP Canal and Wagner Wash.	None	*1,552
			Approximately 1,800 feet west of the intersection of CAP Canal and Jackrabbit Wash.	None	*1,381
			Approximately 3,300 feet east and 1,500 feet north of the intersection of CAP Canal and Jackrabbit Wash.	None	*1,377
			Approximately 7,000 feet west and 2,000 feet north of the intersection of CAP Canal and Wickenburg Hassayampa Road.	None	*1,362
		Flooding behind Consolidated Canal East Branch.	Approximately 2,000 feet south and 700 feet east of the intersection of Chandler Heights Road and Consolidated Canal East Branch.	None	*1,221
			Approximately 3,000 feet south of the intersection of Santan Road and McQueen Road.	None	*1,228
			Just northeast of the intersection of Santan Road and Consolidated Canal East Branch.	None	*1,229
			Just northeast of the intersection of Germann Road and Consolidated Canal East Branch.	None	*1,231
			Approximately 500 feet south of the intersection of Frye Road and Cooper Road.	None	*1,233
			Approximately 2,000 feet south of the intersection of Ray Road and Consolidated Canal East Branch.	None	*1,236
			Approximately 200 feet east and 1,000 feet south of the intersection of Ray Road and Consolidated Canal East Branch.	None	*1,237

State	City/Town/County	Source of Flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 500 feet east and 100 feet north of the intersection of Warner Road and Gilbert Road.	None	*1,240
			Just east of the intersection of Baseline Road and Consolidated Canal East Branch.	None	*1,247
		Flooding behind Eastern Canal.	Just upstream of the intersection of Riggs Road and Gilbert Road.	None	*1,250
			Approximately 1,500 feet south of the intersection of Germann Road and Eastern Canal.	None	*1,260
			Approximately 500 feet east of the intersection of Val Vista Drive and Eastern Canal.	None	*1,267
			Approximately 1,400 feet east and 300 feet north of the intersection of Val Vista Drive and Ray Road.	None	*1,268
			Just north of the intersection of Warner Road and Greenfield Road.	None	*1,273
			Approximately 1,300 feet south of the intersection of Guadalupe Road and Eastern Canal.	None	*1,278
			Approximately 300 feet south and 100 feet east of the intersection of Baseline Road and South Greenfield Road.	None	*1,281
		Flooding behind Southern Pacific Railroad.	Approximately 500 feet east and 200 feet south of the intersection of Southern Pacific and Williams Field Road.	None	*1,301
			At Signal Butte Road	None	*1,437
			Approximately 2,100 feet upstream from Signal Butte Road.	None	*1,446
		Flooding behind Southern Pacific Spur.	Approximately 200 feet northeast of the intersection of Southern Pacific Spur and Santan Road.	None	*1,218
			Just northeast of the intersection of Ocotillo Road and Southern Pacific Spur.	None	*1,221
			Approximately 1,000 feet south and 500 feet east of the intersection of Consolidated Canal East Branch and Southern Pacific Spur.	None	*1,219

Maps are available for review at the Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, Arizona.

Please send comments to The Honorable Betsey Bayless, Chairperson, Maricopa County Board of Supervisors, 301 West Jefferson, Tenth Floor, Phoenix, Arizona 85003.

	City of Phoenix Maricopa County.	Cave Creek	At the confluence with Moon Valley Wash...	*1,281	*1,281
			Just downstream of 19th Avenue	*1,320	*1,321
			Just downstream of Bell Road	*1,363	*1,363
			At Beardsley Road	*1,432	*1,433
			Approximately 1,700 feet upstream of the Granite Reef Aqueduct (CAP Canal).	*1,518	*1,519
		East Fork Cave Creek	At the confluence with Cave Creek	*1,329	*1,329
			At 7th Avenue	*1,348	*1,346
			Approximately 1,400 feet downstream of Central Avenue.	*1,355	*1,355

Maps are available for review at the Street Transportation Department, 125 East Washington Street, Phoenix, Arizona.

Send comments to The Honorable Paul Johnson, Mayor, City of Phoenix, 225 West Washington Street, Phoenix, Arizona 85003.

	City of Scottsdale Maricopa County.	Cottonwood Creek	Approximately 3.25 miles upstream of the confluence with Cottonwood Creek-Tributary 1.	None	*3,220
			Approximately 3.28 miles upstream of the confluence with Cottonwood Creek-Tributary 1.	None	*3,230
		Grapevine Wash	Approximately 0.51 mile upstream of Father Kino Trail.	None	*2,725

State	City/Town/County	Source of Flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Galloway Wash-North Tributary.	Approximately 0.53 mile upstream of Father Kino Trail.	None	*2,728
			Approximately 0.8 mile upstream of Father Kino Trail.	None	*2,629
			Approximately 0.95 mile upstream of Father Kino Trail.	None	*2,650

Maps are available for review at the Transportation Planning Department, 7447 East Indian School Road, Scottsdale, Arizona.

Send comments to The Honorable Herbert R. Drinkwater, Mayor, City of Scottsdale, 3939 Civic Center Plaza, Scottsdale, Arizona 85251.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: May 28, 1993.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 93–13322 Filed 6–4–93; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket No. 87–313; FCC 93–206]

Policy and Rules Concerning Rates for Dominant Carriers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: On May 21, 1993 the Commission released an Order and Notice of Proposed Rulemaking (May 21 Order). In the May 21 Order the Commission proposes to exclude promotional rates from price caps. Because the Court of Appeals objected to the Commission's characterization of our promotion policy as a "clarification", as well as to our explanation for the policy, we respond by vacating that portion of the AT&T Price Cap Reconsideration Order, and initiating this proposed rulemaking to decide the issue. This action will also ensure that the Commission's enforcement mechanism for price cap regulations is not undermined.

DATES: Comments must be received on or before July 6, 1993. Reply comments must be received on or before July 21, 1993.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mary Brown, 1919 M Street NW., Washington DC 20554 (room 518), Tel. (202) 632–6387.

SUPPLEMENTARY INFORMATION: On September 8, 1992, the United States Court of Appeals for the District of Columbia Circuit remanded this proceeding to the Commission for further consideration of the Commission's policy governing price cap treatment of AT&T's promotional offerings. In the May 21 Order the Commission concluded, that excluding promotional rates from price cap regulation on a prospective basis would serve the goals of the price cap plan and the Communications Act. The Commission is now seeking comments on whether credits for promotional price decreases should be excluded from price cap index calculations. The Commission has recognized promotional offerings as a legitimate method for generating additional minutes of use on the network, which increases efficiency and benefits all ratepayers. AT&T Price Cap Reconsideration Order, 6 FCC Rcd at 670.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b) does not apply to this rulemaking proceeding because if promulgated, it would not have a significant economic impact on a substantial number of small entities. Although we do not find that the Regulatory Flexibility Act is applicable to this proceeding, this Commission has an ongoing concern with the effect of its rules and regulations on small business and the customers of the regulated carriers. The Secretary shall send a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

Ex Parte:

This is a non-restricted notice and comment rulemaking proceeding. *Ex Parte* presentations are permitted, except during the Sunshine Agenda Period, provided they are disclosed as provided in Commission rules.

Accordingly, *It is Ordered* that, pursuant to sections 4(i), 4(j), 201–205, 303(r), and 403 of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 154(j), 201–205, 303(r), 403, *Notice is hereby given* of proposed amendments to part 61, and § 61.42, in accordance with the proposals, discussions, and statement of issues in this Notice of Proposed Rulemaking, and that comment is sought regarding such proposals, discussion, and statement of issues.

It is further ordered, that a rulemaking proceeding is instituted to determine whether proposals made herein concerning the regulation of promotional offerings by AT&T would be in the public interest.

List of Subjects in 47 CFR Part 61

Communications common carriers.

Proposed rule

Part 61 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 61—TARIFFS

1. The authority citation for Part 61 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply Sec. 203, 48 Stat. 1070; 47 U.S.C. 203.

2. Section 61.42 is amended by adding paragraph (c)(10) to read as follows:

§ 61.42 Price cap baskets and service categories.

* * * * *

(c) * * *

(10) Promotional offerings for services in § 61.42(b)(1), (b)(2), and (b)(3).

* * * * *

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93-13296 Filed 6-4-93; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 814, 833, 836, and 852

RIN-2900 AC67

VA Acquisition Regulation: Changes to Solicitation Provisions, Contract Clauses, and Their Prescriptions

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend certain VA Acquisition Regulation (VAAR) provisions and clauses to eliminate duplicative coverage and to make VA's regulation consistent with the Federal Acquisition Regulation (FAR). An additional revision is proposed to add a prescription for a VA clause.

DATES: Comments must be received by July 7, 1993. All comments received will be available for public inspection until July 19, 1993. This amendment is proposed to be effective on the date of publication of the final rule.

ADDRESSES: Comments should be sent to the Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Service Unit, Room 170 of the above address, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until July 19, 1993.

FOR FURTHER INFORMATION CONTACT: Lisa Russell, Acquisition Policy Division (95A), Office of Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-5001.

SUPPLEMENTARY INFORMATION

I. Background

The Department of Veterans Affairs has identified areas of the VA Acquisition Regulation (VAAR) that require amending to make VA's regulation more consistent with the organizational structure of the Federal Regulation (FAR). In accordance with FAR Subpart 1.304—Agency control and compliance procedures, VA is proposing to eliminate coverage that is duplicative of material contained in the FAR. Specifically, the following items are being proposed for change: Item 1—revise VAAR 814.203-1, Mailing or delivery to prospective bidders, to remove the reference to VAAR 836.302, Pre-solicitation notices. Item II—revise VAAR 833.1, Protests, to change the location of the office designated for receipt of protests and VAAR 833.106, Solicitation provision, to change the prescription for solicitation provisions. Item III—delete VAAR 836.302, Pre-solicitation notices. FAR 36.302, Presolicitation notices, adequately provides guidance for preparing and issuing presolicitation notices for construction contracts, therefore, VAAR coverage is not required. Item IV—add a clause prescription at VAAR 836.513 for VAAR clause 852.236-87, Safety requirements. Item V—delete VAAR provision 852.208-70, Change in rates for public utilities. Review of coverage at FAR 8.305, Rate increases, indicates that FAR coverage is sufficient to meet VA needs. Item VI—revise VAAR provision 852.214-73, Bid samples, to more closely conform to FAR provision 52.214-20, Bid Samples. Item VII—delete VAAR provision 852.233-2, Service of protest. FAR provision 52.233-2, Service of Protest, sufficiently meets the agency's needs. Item VIII—revise VAAR clause 852.236-87, Safety requirements, to eliminate information that is inconsistent with FAR clause 52.236-13, Accident prevention, and change the title of the VAAR clause to Accident Prevention.

II. Executive Order 12291

Pursuant to the memorandum from the Director, Office of Management and Budget, to the Administrator, Office of Information and Regulatory Affairs, dated December 13, 1984, this rule is exempt from sections 3 and 4 of Executive Order 12291, Federal Regulation.

Regulatory Flexibility Act (RFA)

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the RFA, 5 U.S.C. 601(2). Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected VA Acquisition Regulation subparts will also be considered in accordance with Section 610 of the Act.

IV. Paperwork Reduction Act

This amendment does not impose any additional reporting or recordkeeping requirements on the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Parts 814, 833, 836, and 852

Government procurement.

Approved: May 18, 1993.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, it is proposed that 48 CFR parts 814, 833, 836, and 852 be amended as set forth below:

1. The authority citation for part 814 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

PART 814—SEALED BIDDING

Subpart 814.2—[Amended]

2. Subsection 814.203-1 is amended by removing the paragraph designation for paragraph (a) and removing paragraph (b).

3. The authority citation for part 833 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

PART 833—PROTESTS, DISPUTES, APPEALS

Subpart 833.1—[Amended]

4. Subpart 833.1 is amended by removing the symbol "(93D)" and adding in its place the symbol, "(95B)" wherever it appears.

5. Section 833.106 is revised to read as follows:

833.106 Solicitation provision.

The contracting officer shall insert the provision at 852.233-70, Protest Content, in solicitations other than small purchases.

6. The authority citation for part 836 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

PART 836—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Subpart 836.3—[Amended]

836.302 [Removed]

7. Section 836.302 is removed.

8. Subpart 836.5, consisting of section 836.513, is added to read as follows:

Subpart 836.5—Contract Clauses

836.513 Accident prevention.

The contracting officer shall insert the clause at 852.236–87, Accident Prevention, in all solicitations that contain the clause at FAR 52.236–13, Accident prevention, or its Alternate.

9. The authority citation for part 852 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 852.2—[Amended]

852.208–70 [Removed]

10. Section 852.208–70 is removed.

11. Section 852.214–73 is revised to read as follows:

852.214–73 Bid samples.

As prescribed in 814.202–4, insert the following provision:

Bid Samples (Date)

Any bid sample(s) furnished must be in the quantities specified in the solicitation and plainly marked with the complete lettering/numbering and description of the related bid item(s); the number of the Invitation for Bids; and the name of the bidder submitting the bid sample(s). Cases or packages containing any bid sample(s) must be plainly marked "Bid Sample(s)" and charges pertaining to the preparation and transportation of bid sample(s) must be prepaid by the bidder. Bid sample(s) must be received at the location specified in the solicitation by the time and date for receipt of bids.

(End of provision)

852.233–2 [Removed]

12. Section 852.233–2 is removed.

13. In section 852.236–87, the title, the introductory text, and the clause are revised to read as follows:

852.236–87 Accident prevention.

As prescribed in 836.513, insert the following clause:

Accident Prevention (Date)

The Resident Engineer on all assigned construction projects, or other Department of Veterans Affairs employee if designated in writing by the Contracting Officer, shall serve as Safety Officer and as such has authority, on behalf of the Contracting Officer, to monitor and enforce Contractor compliance with FAR 52.236–13, Accident Prevention. However, only the Contracting Officer may issue an order to stop all or part of the work while requiring satisfactory or corrective action to be taken by the Contractor.

(End of clause)

[FR Doc. 93–13352 Filed 6–4–93; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fishery: Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of public hearings on a draft of Amendment 9 to the Atlantic Surf Clam and Ocean Quahog Fishery Management Plan.

SUMMARY: The National Marine Fisheries Service (NMFS) will hold two public hearings to receive comments on a draft of Amendment 9 (Amendment) to the Atlantic Surf Clam and Ocean Quahog Fishery Management Plan (FMP). The Amendment is being prepared by the Secretary of Commerce (Secretary) in compliance with section 304(c)(1)(A) of the Magnuson Act and would add a new section to the existing regulations to recognize the existence of and manage a unique fishery located at the northern-most part of the range of ocean quahogs (*Arctica islandica*). This fishery is referred to as the Maine Mahogany quahog fishery (fishery). The Amendment would exempt the fishery from requirements related to individual transferable quotas (ITQs) implemented under Amendment 8 to the FMP and add other requirements.

DATES: Written comments should be submitted on or before June 23, 1993. The hearings will be held at Machias, ME, on June 16, 1993, at 6 p.m. and at Cape May, NJ, on June 24, 1993, at 7 p.m. Testimony may be presented at either hearing.

ADDRESSES: Written comments should be sent to Richard B. Roe, Director, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. Copies of the public hearing draft of Amendment 9 may be obtained from this address. Clearly mark the outside of the envelope "Request for Amendment 9 public hearing document." The Machias, ME, hearing will take place at the University of Maine-Machias, Science Building, room 102. The Cape May, NJ, meeting will take place at the Cape May County Extension Office.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Resource Policy Analyst, 508–281–9104.

SUPPLEMENTARY INFORMATION: At its September 1992 meeting, the Mid-Atlantic Fishery Management Council (Council) decided not to act on the Maine mahogany quahog fishery and deferred to the Regional Director to initiate action in consultation with the Council. Because the fishery has been managed as an experimental one for several years, the Secretary decided to prepare a fishery management plan amendment that would manage this fishery as part of the Atlantic Surf Clam and Ocean Quahog Fishery.

Amendment 9 would establish conservation and management measures that are necessary and appropriate to manage the Maine mahogany quahog fishery in the exclusive economic zone (EEZ). The management unit is all surf clams (*Spisula solidissima*) and all ocean quahogs in the Atlantic EEZ.

The Amendment would:

(1) Exempt all participants in the Maine mahogany quahog fishery from the requirements of Amendment 8 unless otherwise noted in the draft of Amendment 9;

(2) Define the area in which the fishery is prosecuted to be north of 43°50′ N. lat.;

(3) Continue to apply permitting and recordkeeping requirements implemented under Amendment 8 to the FMP for the fishery;

(4) Require all vessels harvesting quahogs from the defined area to land their catch in that area;

(5) Establish a minimum size of 1½ inches (3.8 cm) and a maximum size of 2½ inches (6.4 cm) for ocean quahogs harvested from the area; and

(6) Establish a maximum length of 36 inches (91.4 cm) for the cutter blade of the dredge.

Authority: 16 U.S.C. 1801 *et seq.*)

Dated: June 2, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–13391 Filed 6–2–93; 4:49 pm]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 58, No. 107
Monday, June 7, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. TB-93-15]

Burley Tobacco Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. App.) announcement is made of the following committee meeting:

Name: Burley Tobacco Advisory Committee.

Date: July 1, 1993.

Time: 10 a.m.

Place: Campbell House Inn, North Colonial Hall, 1375 Harrodsburg Road, Lexington, Kentucky 40504.

Purpose: To discuss the calculations of sales opportunity and the policies and procedures for the 1993-94 marketing season, review regulations pursuant to the Tobacco Inspection Act, 7 U.S.C. 511 *et seq.*, and other related issues.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact the Director, Tobacco Division, AMS, U.S. Department of Agriculture, room 502 Annex Building, Ag Box 0280, Washington, DC 20250-0280, (202) 205-0567, prior to the meeting. Written statements may be submitted to the Committee before, at, or after the meeting.

Dated: May 28, 1993.

L.P. Massaro,

Acting Administrator.

[FR Doc. 93-13270 Filed 6-4-93; 8:45 am]

BILLING CODE 3410-02-P

[Docket No. TB-93-14]

Flue-Cured Tobacco Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. App.) announcement is made of the following committee meeting:

Name: Flue-Cured Tobacco Advisory Committee.

Date: June 25, 1993.

Time: 10 a.m.

Place: Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Flue-Cured Tobacco Cooperative Stabilization Corporation Building, 1306 Annapolis Drive, Raleigh, North Carolina 27608.

Purpose: To discuss market opening dates, selling schedules and other related matters for the 1993 marketing season.

The meeting is open to the public. Persons, other than members who wish to address the Committee at the meeting should contact the Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, room 502 Annex Building, Box Ag 0280, Washington, DC 20250-0280, (202) 205-0567, prior to the meeting. Written statements may be submitted to the Committee before, at, or after the meeting.

Dated: May 28, 1993.

L.P. Massaro,

Acting Administrator.

[FR Doc. 93-13269 Filed 6-4-93; 8:45 am]

BILLING CODE 3410-02-P

Animal and Plant Health Inspection Service

[Docket No. 93-060-1]

Availability of Environmental Assessments and Findings of No Significant Impact Relative to Issuance of Permits To Field Test Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that 11 environmental assessments and findings of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of permits to allow the field testing of genetically engineered organisms. The environmental assessments provide a basis for our conclusion that the field testing of these genetically engineered organisms will not present a risk of introducing or disseminating a plant pest and will not have a significant impact on the quality of the human environment. Based on its findings of no significant impact, the Animal and Plant Health Inspection Service has determined that environmental impact statements need not be prepared.

ADDRESSES: Copies of the environmental assessments and findings of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are encouraged to call ahead on (202) 690-2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, BBEP, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612. For copies of the environmental assessments and findings of no significant impact, write to Mr. Clayton Givens at the same address. Please refer to the permit numbers listed below when ordering documents.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340 (referred to below as the regulations) regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article may be introduced into the United States. The regulations set forth the procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

In the course of reviewing each permit application, APHIS assessed the impact on the environment that releasing the organisms under the conditions described in the permit application would have. APHIS has issued permits for the field testing of the organisms listed below after concluding that the organisms will not present a risk of plant pest introduction or dissemination and will not have a significant impact

on the quality of the human environment. The environmental assessments and findings of no significant impact, which are based on data submitted by the applicants and on a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field tests.

Environmental assessments and findings of no significant impact have been prepared by APHIS relative to the issuance of permits to allow the field testing of the following genetically engineered organisms:

Permit No.	Permittee	Date Issued	Organisms	Field test location
93-004-01	Monsanto Agricultural Company.	04-27-93	Potato plants genetically engineered to express an insect resistance gene from *Bacillus thuringiensis* subsp. *tenebrionis* for resistance to Colorado potato beetle, a coat protein gene for resistance to potato virus Y (PVY), and a gene to increase the percentage of solid matter.	Wisconsin.
93-012-05, renewal of permit 92-007-01, issued on 04-29-92.	Monsanto Agricultural Company.	04-29-93	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Illinois.
93-047-03, renewal of permit 92-043-02, issued on 05-22-92.	Upjohn Company	04-29-93	Soybean plants genetically engineered to express a gene for tolerance to the phosphinothricin class of herbicides.	Illinois, Iowa, Mississippi, Nebraska.
93-078-01, renewal of permit 92-037-05, issued on 05-01-92.	Monsanto Agricultural Company.	04-29-93	Soybean plants genetically engineered to express tolerance to the herbicide glyphosate.	Delaware.
92-318-02	Pioneer Hi-Bred International, Incorporated.	04-30-93	Corn plants genetically engineered to express male sterility and a marker gene for herbicide tolerance.	Iowa.
93-008-01	Frito-Lay Incorporated	04-30-93	Potato plants genetically engineered to express a deltaendotoxin from *Bacillus thuringiensis* subsp. *tenebrionis* for resistance to Colorado potato beetle, and resistance to *Rhizoctoniasolani*, potato leaf roll virus, and potato virus Y.	Wisconsin.
93-011-05	Monsanto Agricultural Company.	04-30-93	Cotton plants genetically engineered to express a deltaendotoxin from *Bacillus thuringiensis* subsp. *kurstaki* for resistance to lepidopteran insects.	Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, Texas.
93-029-02	DowElanco, United AgriSeeds.	04-30-93	Corn plants genetically engineered to express resistance to certain insects and tolerance to certain herbicides.	Illinois, Indiana.
93-040-02	Ciba-Geigy Corporation	04-30-93	Tobacco plants genetically engineered to express a tobacco protein for resistance to fungal pathogens.	North Carolina.
93-049-03	North Carolina State University.	04-30-93	Tobacco plants genetically engineered to express resistance to potato virus Y.	North Carolina.
93-012-02	Monsanto Agricultural Company.	05-03-93	Cotton plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	North Carolina.

The environmental assessments and findings of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321 et seq.), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979).

Done in Washington, DC, this 2nd day of June 1993.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93-13333 Filed 6-4-93; 8:45 am]

BILLING CODE 3410-34-P

Appalachian States Low-Level Radioactive Waste Commission

Meeting

AGENCY: Appalachian States Low-Level Radioactive Waste Commission.

ACTION: Open meeting.

SUMMARY: The Appalachian States Low-Level Radioactive Waste Commission will hold a meeting on June 24, 1993. The meeting is open to the public.

DATES: June 24, 1993, 9 a.m.-4 p.m.

ADDRESSES: Harrisburg Hilton and Towers, One North Second Street, Harrisburg, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Marc S. Tenan, Executive Director, 207 State Street, Harrisburg, PA 17101, 717-234-6295.

SUPPLEMENTARY INFORMATION: The Appalachian States Low-Level

Radioactive Waste Commission (Commission) was established by the Appalachian States Low-Level Radioactive Waste Compact Consent Act (Pub. L. 100–319, May 19, 1988). The Commission represents the states of Delaware, Maryland and West Virginia, and the Commonwealth of Pennsylvania to assist in the establishment of a regional low-level radioactive waste disposal facility as required by the Low-Level Radioactive Waste Policy Amendments Act (Pub. L. 99–240, January 15, 1986).

The primary purpose of this meeting is to: Ratify a notational vote to sign the Interregional Access Agreement for Waste Management; consider a Request for Proposals to hire a technical consultant; consider revising the Commission's 1993–94 budget; adopt a 1994–95 budget; consider negotiating an agreement with the Central Midwest Compact to provide access to brokers and processors in that compact region; consider amendments to the Commission's Bylaws on notational voting and telephone conference calls; and discuss cross contamination of low-level radioactive waste during processing. The Commission will also hold an executive session to discuss legal options for obtaining/retaining surcharge rebates and the Commission's regulatory authority over NARM/NORM. A draft agenda, available in early June, can be obtained by contacting the Commission at 717–234–6295.

Marc S. Tenan,

Executive Director.

[FR Doc. 93–13179 Filed 6–4–93; 8:45 am]

BILLING CODE 0000–00–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Electronics Technical Advisory Committee; Open Meeting

A meeting of the Electronics Technical Advisory Committee will be held June 24, 1993, 9 a.m., in the Herbert C. Hoover Building, room 1617M–2, 14th & Pennsylvania Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to electronics and related equipment or technology.

Agenda

1. Opening remarks by the Chairmen.
2. Update on Committee membership.
3. Presentation of calendar of events.
4. Update on COCOM negotiations.
5. Discussion of new multilateral proposals.
6. Discussion of policy issues.
7. Discussion of commodity jurisdiction issues.
8. Presentation of papers or comments by the public.

The meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Lee Ann Carpenter, TAC Unit/EA/BXA room 1621, U.S. Department of Commerce, Washington, DC 20230.

For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 482–2583.

Dated: June 1, 1993.

Betty Anne Ferrell,

Director, Technical Advisory Committee Unit.

[FR Doc. 93–13345 Filed 6–4–93; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of Opportunity to Request Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party as defined in section 771(9) of the Tariff Act of 1930, as amended, may request, in accordance with § 353.22 or 355.22 of the Commerce Regulations, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity To Request a Review

Not later than June 30, 1993, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in June for the following periods:

	Period
Antidumping Duty Proceedings:	
Belgium: Sugar, (A–423–077)	06/01/92–05/31/93
Canada: Oil Country Tubular Goods, (A–122–506)	06/01/92–05/31/93
Canada: Red Raspberries, (A–122–401)	06/01/92–05/31/93
France: Large Power Transformers, (A–427–030)	06/01/92–05/31/93
France: Sugar, (A–427–078)	06/01/92–05/31/93
Germany: Barium Carbonate, (A–428–061)	06/01/92–05/31/93
Germany: High-Tenacity Rayon Filament Yarn, (A–428–810)	11/20/91–05/31/93
Germany: Industrial Belts and Components and Parts Thereof, Whether Cured or Uncured, (A–428–802)	06/01/92–05/31/93
Germany: Sugar, (A–428–082)	06/01/92–05/31/93
Italy: Large Power Transformers, (A–475–031)	06/01/92–05/31/93
Italy: Industrial Belts and Components and Parts Thereof, Whether Cured or Uncured, (A–475–802)	06/01/92–05/31/93
Japan: Nitrile Rubber, (A–588–706)	06/01/92–05/31/93
Japan: Fishnetting of Man-Made Fibers, (A–588–029)	06/01/92–05/31/93
Japan: Forklift Trucks, (A–588–703)	06/01/92–05/31/93
Japan: Industrial Belts and Components and Parts Thereof, Whether Cured or Uncured, (A–588–807)	06/01/92–05/31/93
Japan: Large Power Transformers, (A–588–032)	06/01/92–05/31/93

	Period
Japan: 64K DRAMS, (A–588–503)	06/01/92–05/31/93
Japan: Pet Film, (A–588–814)	06/01/92–05/31/93
New Zealand: Fresh Kiwifruit, (A–614–801)	11/27/91–05/31/93
Romania: Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, (A–485–602)	06/01/92–05/31/93
Singapore: Industrial Belts and Components and Parts Thereof, Whether Cured or Uncured, (A–559–802)	06/01/92–05/31/93
Sweden: Stainless Steel Plate, (A–401–040)	06/01/92–05/31/93
Taiwan: Carbon Steel Plate, (A–583–080)	06/01/92–05/31/93
Taiwan: Fireplace Mesh Panels, (A–583–003)	06/01/92–05/31/93
Taiwan: Oil Country Tubular Goods, (A–583–505)	06/01/92–05/31/93
The Hungarian People's Republic: Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, (A–437–601)	06/01/92–05/31/93
The People's Republic of China: Sparklers, (A–570–804)	06/01/92–05/31/93
The People's Republic of China: Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, (A–570–601)	06/01/92–05/31/93
The People's Republic of China: Silicon Metal, (A–570–806)	06/01/92–05/31/93
The Republic of Korea: Pet Film, (A–580–807)	06/01/92–05/31/93
Countervailing Duty Proceedings:	
None.	

In accordance with sections 353.22(a) and 355.22(a) of the Commerce regulations, an interested party may request in writing that the Secretary conduct an administrative review of specified individual producers or resellers covered by an order, if the requesting person states why the person desires the Secretary to review those particular producers or resellers. If the interested party intends for the Secretary to review sales of merchandise by a reseller (or a producer if that producer also resells merchandise from other suppliers) which was produced in more than one country of origin, and each country of origin is subject to a separate order, then the interested party must state specifically which reseller(s) and which countries of origin for each reseller the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B–099, U.S. Department of Commerce, Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping Compliance, Attention: Thomas Futtner, in room 3069–A of the main Commerce Building. Further, in accordance with section 353.31 or 355.31 of the Commerce Regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of "Initiation of Antidumping (Countervailing) Duty Administrative Review" for requests received by June 30, 1993. If the Department does not receive, by June 30, 1993, a request for review of entries covered by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute, but is published as a service to the international trading community.

Dated: May 25, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–13344 Filed 6–4–93; 8:45 am]

BILLING CODE 3510–DS–M

Export Trade Certificate of Review

ACTION: Notice of application for an amendment to an Export Trade Certificate of Review.

SUMMARY: The Office of Export Trading Company Affairs (OETCA), International Trade Administration, Department of Commerce, has received an application for an amendment to an Export Trade Certificate of Review. This notice summarizes the amendment and requests comments relevant to whether the Certificate should be amended.

FOR FURTHER INFORMATION CONTACT: George Muller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. sections 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether the Certificate should be amended. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, room 1800H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 87–4A001."

OETCA has received the following application for a fourth amendment to Export Trade Certificate of Review No. 87–00001, which was issued on April 10, 1987 (52 FR 12578, April 17, 1987), and previously amended on March 25, 1988 (53 FR 10267, March 30, 1988), August 29, 1989 (54 FR 36848, September 5, 1989), and November 5, 1991 (56 FR 57515, November 12, 1991).

Summary of the Application

Applicant: American Film Marketing Association ("AFMA"), 12424 Wilshire Boulevard, Suite 600, Los Angeles, California 90025. Contact: Jefferson C. Glassie, Legal Counsel Telephone: (202) 639–6000

Application No.: 87–4A001

Date Deemed Submitted: May 28, 1993

Request for Amended Conduct:

AFMA seeks to amend its Certificate to:

1. Add each of the following companies as a "Member" within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2(1)): Cinevest

Entertainment, New York, NY; Gel Distribution, Los Angeles, CA; Grand AM Ltd., Van Nuys, CA; I.R.S. Media International, Universal City, CA; Miramax International, Los Angeles, CA; Melrose Entertainment, Inc., Beverly Hills, CA; Moonstone Entertainment, Beverly Hills, CA; Motion Picture Corporation of America, Santa Monica, CA; Republic Pictures International, Los Angeles, CA; Spelling Films International, Los Angeles, CA; Starway International Corporation, Los Angeles, CA; Trimark Pictures, Santa Monica, CA; and Turner Pictures Worldwide, Los Angeles, CA.

2. Delete each of the following companies as a "Member" of the Certificate: Filmstar, Inc.; Filmtrust Motion Picture Licensing; Films Around the World, Inc.; GPD, Inc.; Intercontinental Releasing Corp.; International Film Exchange; MGM/UA Entertainment Company; Nelson Entertainment, Inc.; Orion Pictures Int'l.; SC Entertainment International; Silverstein Int'l. Corp.; Skouras Pictures, Inc.; Sovereign Pictures, Inc.; Sugar Entertainment Inc.; Sunny Film Corporation SDN BHD; Titan International Licensing, N.V.; Tom Parker Motion Pictures; Transcontinental Pic. Ind.; and Weintraub Entertainment Group.

3. Change the listing of the company name of the following current "Members" as follows: Change AIP Studios to West Side Studios; Alice Entertainment, Inc. to Alice Entertainment, Inc./Kidpix Entertainment, Inc.; American First Run to American First Run Studios/Zantar; Beyond International Group to Beyond Films, Ltd.; Broadstar International to Broadstar Entertainment Corporation; Carolco Pictures to Carolco Service, Inc.; Cinetelfilms, Inc. to Cinetel Films, Inc.; Concorde/Motion Picture Corporation to Concorde—New Horizons Corporation; Cori Films International to Cori International: Film & Television; Curb/Esquire Films to Curb Organization; Dino De Laurentiis Communications Inc. to Dino De Laurentiis Communications; Double Helix Films, Inc. to Double Helix Films; Hemdale Film Corp. to Hemdale Communications, Inc.; Image Organization to Image Organization, Inc.; Imperial Entertainment to Imperial Entertainment B.V.; ITC Entertainment, Inc. to ITC Entertainment Group; Kings Road International to Kings Road Entertainment, Inc.; Kodiak Films, Inc. to Big Bear Licensing Corporation; Lone Star Pictures to Lone Star Pictures International, Inc.; Peregrine Film Dist., Inc. to Lway Productions; M.C.E.G. Virgin Vision Ltd. to MCEG Sterling Entertainment; Manley Productions to Manley Productions, Inc.; Miracle Films, Inc. to Film World Entertainments/Miracle Films; Morgan Creek International to Morgan Creek International, Inc.; The Movie Group to The Movie Group, Inc.; Noble Productions to Noble Productions, Inc./Noble Film; Norkat Co. Ltd. to The Norkat Company Limited; Odyssey/Cinecom Int'l to Odyssey Distributors, Ltd.; Omega Entertainment to Omega Entertainment, Ltd.; Pentamerica Communications, Inc. to Penta International, Ltd.; Promark Entertainment to Promark Entertainment Group; Reel Movies International to Reel Movies International, Inc.; Saban International to Saban Pictures International; Trans Atlantic Distribution, L.P. to Trans Atlantic Entertainment/I.R.S.; and Viacom Pictures, Inc. to Viacom Pictures/Showtime Networks.

Dated: June 1, 1993.

George Muller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 93-13343 Filed 6-4-93; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

Threatened Marine Mammals; Steller Sea Lion; Buffer Zone Exemption

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Temporary exemption to the 3-mile buffer zone around Chowiet Island.

SUMMARY: NMFS grants a temporary exemption to the 3-nautical mile (nm) (5.5-km) buffer zone established around a principal Steller sea lion (*Eumetopias jubatus*) rookery on Chowiet Island, Gulf of Alaska, to William Choate. With few exceptions, vessel entry within 3 nm (5.5 km) of listed Steller sea lion rookery sites in the Bering Sea, Aleutian Islands, and the Gulf of Alaska is currently prohibited, consistent with the listing of the Steller sea lion as a threatened species under the Endangered Species Act (ESA). As authorized by regulation, NMFS grants, for the purpose of safe navigation, a temporary exemption to these restrictions to allow Mr. Choate to anchor his vessel, the F/V INUPIAT, within the buffer zone at Chowiet Island.

EFFECTIVE DATE: June 7, 1993 through December 31, 1993.

FOR FURTHER INFORMATION CONTACT: Dr. Steven Zimmerman, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802 (907-586-7235).

SUPPLEMENTARY INFORMATION:

Background

On November 26, 1990, the Steller sea lion was listed as a threatened species under the ESA (55 FR 49204). Coincident with the listing, NMFS established protective regulations, codified at 50 CFR 227.12(e), that prohibit, with limited exceptions, vessel entry within 3 nm (5.5 km) of 35 Steller sea lion rookeries in the Gulf of Alaska, Bering Sea, and Aleutian Islands. No vessel is allowed within these buffer zones, with certain exceptions.

The Director, Alaska Region, NMFS, with the concurrence of the Assistant Administrator for Fisheries, NOAA, has the authority to grant exemptions to the prohibitions (50 CFR 227.12(b)(5)). Exemptions allowing entry into buffer zones may be granted only if: (1) The activity will not have a significant adverse impact on Steller sea lions; (2) the activity has been conducted historically or traditionally in the buffer zones; and (3) there is no readily available and acceptable alternative to, or site for, the activity. Notification of all exemptions will be published in the **Federal Register**. Previous exemptions to the buffer zones have been granted to allow fishing vessels to transit through the zones for an interim period, at a minimum distance of 1 nm (1.9 km) from the rookery boundary (58 FR 16369, Mar. 26, 1993).

Exemption

On March 12, 1993, the Alaska Regional Office, NMFS, received a request for an exemption from the buffer zone around Chowiet Island (from 56°02.0 N. lat., 156°41.0 W. long. to 56°01.5 N. lat., 156°44.0 W. long.) Steller sea lion rookery by William Choate to allow anchorage within the double bay located at the northwest corner of the island. The request was solely for authorization to anchor a vessel during the halibut season. Information supplied by Mr. Choate in his letter and in discussions with NMFS personnel indicated that the request meets the conditions required for granting exemptions: (1) Steller sea lions on the Chowiet Island rookery will not be disturbed by anchorage in the northwest corner of the island. The maximum height of land on the island (810 feet (247 m)) forms a barrier between the double bay and the rookery. Approaches to the anchorage are not within sight of the rookery, and the entire anchorage is more than 2 nm (3.7 km) from the rookery. Fishing within

the buffer zone, and rookery approaches from land, are not proposed and will not be authorized; (2) the double bay at the northwest corner of Chowiet Island has been used as a transit anchorage between the Aleutian Islands and Kodiak Island historically, and has been used by Mr. Choate since 1984; and (3) there are no reasonable and feasible alternatives for the proposed activity, as there are no anchorages providing protection from winds from the south through the northeast within 50 nm (92.6 km) of Chowiet Island. For these reasons, NMFS grants this exemption.

The exemption is effective upon publication of this document through December 31, 1993. Fishing within the buffer area, and incursions into other parts of the buffer area, or into the double bay for reasons other than anchoring, were not proposed and are not authorized. No disruption or disturbance of Steller sea lions on the rookery is authorized. This temporary exemption is expected to provide adequate protection to Steller sea lions.

Dated: June 1, 1993.

Nancy Foster,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 93–13278 Filed 6–4–93; 8:45 am]

BILLING CODE 3510–22–M

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of Issuance of Amendment 1 to Permit No. 844; Idaho Department of Fish and Game (P503I).

On March 29, 1993, notice was published (58 FR 16523) that an application had been filed by the Idaho Department of Fish and Game (IDFG) to incidentally take listed Snake River fall and spring/summer chinook salmon (*O. tshawytscha*) while implementing their state sport fishing program.

On May 20, 1993, NMFS issued Permit Number 844 for the incidental take requested for the implementation of the IDFG Anadromous Salmon sport fishing program.

Notice is hereby given that on May 28, 1993, as authorized by the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing listed fish and wildlife (50 CFR parts 217–222), NMFS issued an Amendment to Permit Number 844, to include the incidental take requested for the implementation of the IDFG General Fishing Regulations and Steelhead Fishing Regulations.

Issuance of this Amendment to Permit No. 844, as required by the ESA, was based on a finding that: (1) The taking will be incidental; (2) the applicant will, to the maximum extent practicable, monitor, minimize, and mitigate the impacts of such taking; (3) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (4) there are adequate assurances that the conservation plan will be funded and implemented, including any measures required by the Assistant Administrator.

The application, Permit, and supporting documentation are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, suite 8268, Silver Spring, MD 20910 (301/713–2322); and

Environmental and Technical Services Division, National Marine Fisheries Service, 911 North East 11th Ave., room 620, Portland, OR 97232 (503/230–5400).

Dated: May 28, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 93–13277 Filed 6–4–93; 8:45 am]

BILLING CODE 3510–22–M

Incidental Take of Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of receipt of application for a small take exemption and request for information.

SUMMARY: NMFS has received a request from the U.S. Navy for a small take of marine mammals incidental to the underwater detonation of conventional explosives in the offshore waters of the Outer Test Range of the Naval Air Warfare Center, Pt. Magu, Ventura County, California over the next 5 years.

DATES: Comments and information must be postmarked no later than July 7, 1993.

ADDRESSES: Comments on the application should be addressed to Dr. William W. Fox, Jr., Director, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910. A copy of the application may be obtained by writing to this address or by telephoning the contact listed below.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS (301) 713–2055.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5) of the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.; the MMPA) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued.

Permission may be granted for periods of 5 years or less if the Secretary finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and regulations are prescribed setting forth the permissible methods of taking and the requirements pertaining to the monitoring and reporting of such taking.

Summary of Request

On May 13, 1993, NMFS received an application for a small take exemption under section 101(a)(5) of the MMPA from the U.S. Navy in order for the Navy to conduct, for a period of 5 years commencing February 1994, a wide variety of military projects involving the underwater detonation of conventional explosives in the offshore waters of the Outer Test Range of the Naval Air Warfare Center, Weapons Division (NAWC–WD), off Pt. Magu, Ventura County, California, seaward of the Channel Islands.

As the U.S. Navy describes the program, ships and critical components or systems constructed for the Navy must undergo shock tests prior to service with the fleet to determine the integrity of the structure and electronic systems which are vital to the overall function and performance of the vessel and crew under combat conditions. These tests simulate near-misses from torpedoes, mines and explosive projectiles. To approximate actual conditions, both ship shock and model testing are conducted in deep, offshore waters by exploding underwater charges and measuring responses of the target vessel or model. Free-field tests are also conducted to evaluate the performance of new or improved explosives and weapons systems.

The U.S. Navy has requested a take of 4 species of pinnipeds by harassment, injury and death and 15 species of cetaceans by harassment and injury. The proposed project will occur in an area of a potentially high density of marine mammals. Potential impacts to marine mammals include both lethal and non-lethal injuries as well as physical and

acoustic harassment. Injury or death may occur as a direct result of the explosive blast (concussion) itself. Injury may include damage to internal organs as well as to the auditory system. Harassment of marine mammals may occur as a result of non-injurious physiological responses to both the explosion-generated shockwave as well as to the acoustic signature of the detonation. The Navy believes it is very unlikely that injury will occur from exposure to the chemical by-products released into the surface waters.

The Navy describes in their application efforts that will be made to minimize project-related impacts to marine mammals. They strongly believe that impacts can be held to an acceptably low level by mandating conservative safety ranges for marine mammal exclusion and by incorporating an active aerial survey monitoring effort in the program both prior to, and after detonation of explosives. The U.S. Navy states that tests will not be conducted if marine mammals are detected within the testing zone, or if weather and sea conditions preclude adequate aerial surveillance. Also, if post-test surveys determine that an injurious or lethal take of a marine mammal has occurred, the test procedure and the monitoring methods will be reviewed and appropriate changes will be made.

Information Solicited

NMFS requests interested persons to submit comments, information, and suggestions concerning the request and the structure and content of the regulations to allow the taking. NMFS will consider this information in developing an environmental assessment, and, if appropriate, proposed regulations to authorize the taking. If NMFS proposes regulations to allow this take, interested parties will be given ample time and opportunity to comment.

Dated: June 1, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 93–13290 Filed 6–4–93; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Issuance of Modification No. 1 to Permit No. 759.

SUMMARY: On Friday, February 14, 1992, notice was published in the **Federal Register** (57 FR 5418) that Permit No. 759 had been issued to the New Jersey Academy for Aquatic Sciences (P489), 1 Riverside Drive, Camden, NJ 08103–1060.

Notice is hereby given that on June 1, 1993, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the NMFS modified Permit No. 759 to include harp seals (*Phoca groenlandica*) in Section A., "Number and Kind of Marine Mammals." This modification was necessary to allow the New Jersey Academy for Aquatic Sciences to assume custody of a female harp seal. This blind harp seal was found stranded on Long Island and was rehabilitated. Subsequently, it was determined that it was not feasible to release this animal to the wild. All conditions currently contained in the permit remain in effect.

ADDRESSES: The modified Permit is available for review, by appointment, in the following offices:

Office of Protected Resources, NMFS, NOAA, 1335 East-West Highway, Room 7324, Silver Spring, MD 20910 (301/713–2289); and,

Director, Northeast Region, NMFS, NOAA, One Blackburn Drive, Gloucester, MA 01930, (508/281–9300).

Dated: June 1, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 93–13287 Filed 6–4–93; 8:45 am]

BILLING CODE 3510–22–M

CONSUMER PRODUCT SAFETY COMMISION

Notification of Request for Extension of Approval of Collections of Information Associated With Procurement of Goods and Services

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for an extension of approval through May 30, 1996, of collections of information associated with the procurement of goods and services. The Commission's procurement activities are governed by the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 *et seq.*). That law requires the Commission to procure goods and services under conditions most advantageous to the government, considering cost and other factors. Forms used by the Commission request persons who bid on contracts with the agency to provide information about costs or prices of goods and services to be supplied; specifications of goods and descriptions of services to be delivered; competence of the bidder to provide the goods or services; and other information about the bidder such as the size of the firm and whether it is minority owned. The Commission uses the information provided by bidders to determine the reasonableness of prices and costs and the responsiveness of potential contractors to undertake the work involved.

Additional Details About the Request for Extension of Approval of Collections of Information

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Information Collection Associated with Procurement of Goods and Services.

Type of request: Extension of approval.

General description of respondents: Potential contractors for goods and services to the Commission.

Frequency of collection: One time per respondent.

Estimated number of respondents: 2,500 per year.

Estimated average number of hours per respondent: 3.

Estimated number of hours for all respondents: 7,500 per year.

Comments: Comments on this request for extension of approval of information collection requirements should be addressed to Donald Arbuckle, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington DC 20503; telephone (202) 395-7340. Copies of the request for extension of information collection requirements are available from Francine Shacter, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504-0416.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 93–13356 Filed 6–4–93; 8:45 am]

BILLING CODE 6355–01–F

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

AGENCY: DoD.

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Defense FAR Supplement, Part 209, Contractor Qualifications, and Subpart 252.2, Texts of Provisions and Clauses.

Type of Request: Emergency submission—Approval date requested: June 11, 1993.

Average Burden Hours/Minutes Per Response: 1 Hour.

Responses Per Respondent: 1.

Number of Respondents: 25.

Annual Burden Hours: 25.

Annual Responses: 25.

Needs and Uses: Section 836 of the National Defense Authorization Act for Fiscal Year 1993 (Pub. L. 102–484) prohibits award of a DoD contract under a national security program to a company owned by an entity controlled by a foreign government, if access to a proscribed category of information is necessary for performance of the contract. A new solicitation provision and prescriptive language are being added to the Defense Federal Acquisition Regulation Supplement to implement the requirements of section 836. The new provision requires companies submitting offers under DoD solicitations for contracts requiring access to proscribed information to disclose any interest a foreign government has in the offeror, when that interest constitutes control by a foreign government. The information will be used by contracting officers to identify offers from companies controlled by a foreign government.

Affected Public: Businesses or other for-profit organizations; Small businesses or organizations.

Frequency: On occasion.

Respondents Obligation: Mandatory.

OMB Desk Officer: Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia, 22202–4302.

Dated: June 1, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–13316 Filed 6–4–93; 8:45 am]

BILLING CODE 5000–04–M

Office of the Secretary

Defense Intelligence College Board of Visitors; Closed Meeting

AGENCY: Defense Intelligence Agency Defense Intelligence College.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Public Law 92–463, as amended by section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Defense Intelligence College Board of Visitors has been scheduled as follows:

DATES: Thursday, 15 July 1993, 0900 to 1700; and Friday, 16 July 1993, 0830 to 1400.

ADDRESSES: The DIAC, Washington, DC.

FOR FURTHER INFORMATION CONTACT: General Charles J. Cunningham, Jr., Lieutenant General, USAF (Ret), Commandant, DIA Defense Intelligence College, Washington, DC 20340–5485 (202/373–3344).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), title 5 of the U.S. Code and therefore will be closed. The Board will discuss several current critical intelligence issues and advise the Director, DIA, as to the successful accomplishment of the mission assigned to the Defense Intelligence College.

Dated: June 2, 1993

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–13315 Filed 6–4–93; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on Tactical Aircraft Review; Meeting

AGENCY: DoD.

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Tactical Aircraft Review will meet in closed session on June 14, 1993 at the Institute for Defense Analyses, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Director, Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will review and critique outputs generated by the USD (A) Bottoms-Up Tactical Aircraft Review, and provide advice, on an as-needed basis, to the USD(A) in the conduct of the overall Bottoms-Up Review.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II, (1988), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: June 2, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–13318 Filed 6–4–93; 8:45 am]

BILLING CODE 5000–04–M

Per Diem, Travel and Transportation Allowance Committee; Changes in Per Diem Rates

AGENCY: Per Diem, Travel and Transportation Allowance Committee.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 169. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. Bulletin Number 169 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATES: June 1, 1993.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued effective 1 June 1979. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of change in per

diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

BILLING CODE 5000-04-M

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B)	MAXIMUM PER DIEM RATE = (C)	EFFECTIVE DATE
ALASKA:				
ADAK 5/	$ 10	$ 34	$ 44	10-01-91
ANAKTUVUK PASS	83	57	140	12-01-90
ANCHORAGE				
05-15--09-15	174	71	245	05-15-93
09-16--05-14	81	66	147	12-01-92
ANIAK	73	36	109	07-01-91
ATQASUK	129	86	215	12-01-90
BARROW	86	73	159	06-01-91
BETHEL	82	64	146	01-01-93
BETTLES	65	45	110	12-01-90
COLD BAY	71	54	125	12-01-90
COLDFOOT	95	59	154	10-01-92
CORDOVA	66	77	143	12-01-92
CRAIG	67	35	102	07-01-91
DILLINGHAM	76	38	114	12-01-90
DUTCH HARBOR-UNALASKA	113	67	180	05-01-92
EIELSON AFB				
05-15--09-15	100	66	166	05-15-93
09-16--05-14	65	67	132	12-01-92
ELMENDORF AFB				
05-15--09-15	174	71	245	05-15-93
09-16--05-14	81	66	147	12-01-92
EMMONAK	72	54	126	06-01-93
FAIRBANKS				
05-15--09-15	100	66	166	05-15-93
09-16--05-14	65	67	132	12-01-92
FALSE PASS	80	37	117	06-01-91
FT. RICHARDSON				
05-15--09-15	174	71	245	05-15-93
09-16--05-14	81	66	147	12-01-92
FT. WAINWRIGHT				
05-15--09-15	100	66	166	05-15-93
09-16--05-14	65	67	132	12-01-92
HOMER				
05-01--09-30	71	60	131	05-01-93
10-01--04-30	53	62	115	12-01-92
JUNEAU				
05-01--10-01	88	74	162	05-01-92
10-02--04-30	75	73	148	01-01-92
KATMAI NATIONAL PARK	89	59	148	12-01-90

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B)	MAXIMUM PER DIEM RATE = (C)	EFFECTIVE DATE
ALASKA: (CONT'D)				
KENAI-SOLDOTNA				
04-02--09-30	$ 94	$ 68	$162	04-02-93
10-01--04-01	57	66	123	12-01-92
KETCHIKAN				
05-14--10-14	90	77	167	06-01-93
10-15--05-13	68	75	143	10-15-93
KING SALMON 3/	75	59	134	12-01-90
KLAWOCK	75	36	111	07-01-91
KODIAK	71	61	132	01-01-92
KOTZEBUE	133	87	220	05-01-93
KUPARUK OILFIELD	75	52	127	12-01-90
METLAKATLA	79	44	123	07-01-91
MURPHY DOME				
05-15--09-15	100	66	166	05-15-93
09-16--05-14	65	67	132	12-01-92
NELSON LAGOON	102	39	141	06-01-91
NOATAK	133	87	220	05-01-93
NOME	71	58	129	01-01-93
NOORVIK	133	87	220	05-01-93
PETERSBURG	72	64	136	05-01-92
POINT HOPE	99	61	160	12-01-90
POINT LAY 6/	106	73	179	12-01-90
PRUDHOE BAY-DEADHORSE	64	57	121	12-01-90
SAND POINT	75	36	111	07-01-91
SEWARD				
05-01--09-30	107	53	160	05-01-92
10-01--04-30	61	48	109	01-01-92
SHUNGNAK	133	87	220	05-01-93
SITKA-MT. EDGECOMBE	72	69	141	01-01-92
SKAGWAY				
05-14--10-14	90	77	167	06-01-93
10-15--05-13	68	75	143	10-15-93
SPRUCE CAPE	71	61	132	01-01-92
ST. GEORGE	100	39	139	06-01-91
ST. MARY'S	77	59	136	06-01-93
ST. PAUL ISLAND	81	34	115	12-01-90
TANANA	71	58	129	01-01-93
TOK				
04-21--10-31	60	58	118	06-01-93
11-01--04-20	48	57	105	11-01-93

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B)	MAXIMUM PER DIEM RATE = (C)	EFFECTIVE DATE
ALASKA: (CONT'D)				
UMIAT	$ 97	$ 63	$160	12-01-90
VALDEZ				
05-01--09-01	98	53	151	05-01-93
09-02--04-30	82	70	152	12-01-92
WAINWRIGHT	90	75	165	12-01-90
WALKER LAKE	82	54	136	12-01-90
WRANGELL				
05-14--10-14	90	77	167	06-01-93
10-15--05-13	68	75	143	10-15-93
YAKUTAT	70	40	110	12-01-90
OTHER 3, 4, 6/	63	48	111	01-01-93
AMERICAN SAMOA	85	47	132	12-01-91
GUAM	155	75	230	05-01-93
HAWAII:				
ISLAND OF HAWAII: HILO	73	61	134	06-01-93
ISLAND OF HAWAII: OTHER	80	71	151	06-01-93
ISLAND OF KAUAI				
04-01--11-30	110	75	185	06-01-93
12-01--03-31	122	76	198	12-01-93
ISLAND OF KURE 1/		13	13	12-01-90
ISLAND OF MAUI				
04-01--11-30	79	71	150	06-01-93
12-01--03-31	96	73	169	12-01-93
ISLAND OF OAHU	105	62	167	06-01-93
OTHER	79	62	141	06-01-93
JOHNSTON ATOLL 2/	20	20	40	10-01-92
MIDWAY ISLANDS 1/		13	13	12-01-90
NORTHERN MARIANA ISLANDS:				
ROTA	68	55	123	01-01-93
SAIPAN	100	69	169	01-01-93
TINIAN	50	55	105	01-01-93
OTHER	20	13	33	12-01-90
PUERTO RICO:				
BAYAMON				
04-16--12-14	93	67	160	08-01-92
12-15--04-15	116	69	185	12-15-92
CAROLINA				
04-16--12-14	93	67	160	08-01-92
12-15--04-15	116	69	185	12-15-92

BILLING CODE 5000-04-C

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B)	MAXIMUM PER DIEM RATE = (C)	EFFECTIVE DATE
PUERTO RICO: (CONT'D)				
FAJARDO (INCLUDING LUQUILLO)				
04-16--12-14	$ 90	$ 57	$147	08-01-92
12-15--04-15	134	61	195	12-15-92
FT. BUCHANAN (INCL GSA SERV CTR, GUAYNABO)				
04-16--12-14	93	67	160	08-01-92
12-15--04-15	116	69	185	12-15-92
MAYAGUEZ	85	65	150	08-01-92
PONCE	106	65	171	08-01-92
ROOSEVELT ROADS				
04-16--12-14	90	57	147	08-01-92
12-15--04-15	134	61	195	12-15-92
SABANA SECA				
04-16--12-14	93	67	160	08-01-92
12-15--04-15	116	69	185	12-15-92
SAN JUAN (INCL SAN JUAN COAST GUARD UNITS)				
04-16--12-14	93	67	160	08-01-92
12-15--04-15	116	69	185	12-15-92
OTHER	63	52	115	08-01-92
VIRGIN ISLANDS OF THE U.S.				
05-02--12-15	100	68	168	08-01-92
12-16--05-01	144	73	217	12-16-92
WAKE ISLAND 2/	4	17	21	12-01-90
ALL OTHER LOCALITIES	20	13	33	12-01-90

[1] Commercial facilities are not available. The meal and incidental expense rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

[3] On any day when US Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $19.65 is prescribed to cover meals and incidental expenses at Shemya AFB, Clear AFS, Galena APT and King Salmon APT. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $4 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

[4] On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $34 is prescribed to cover meals and incidental expenses at Amchitka Island, Alaska. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $10 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

[5] On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $25 is prescribed instead of the rate prescribed in the table. This rate will be increased by the amount paid for U.S. Government or contractor quarters.

[6] The meal rates listed below are prescribed for the following locations in Alaska: Cape Lisburne RRL, Cape Newenham RRL, Cape Romanzof APT, Fort Yukon RRL, Indian Mtn RRL, Sparrevohn RRL, Tatalina RRL, Tin City RRL, Barter Island AFS, Point Barrow AFS, Point Lay AFS and Oliktok AFS. The amount to be added to the cost of government quarters in determining the per diem will be $3.50 plus the following amount:

	Daily rate
DOD Personnel	$13
Non-DOD Personnel	30

Dated: June 1, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93-13317 Filed 6-4-93; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF EDUCATION

Office of Administrative Law Judges; Intent To Compromise a Claim; South Dakota Department of Education

AGENCY: Department of Education.

ACTION: Notice of intent to compromise a claim.

SUMMARY: The Department intends to compromise a claim against the South Dakota Department of Education (the State), which is now pending before the Department's Office of Administrative Law Judges (the OALJ), Docket No. 91-24-R. (20 U.S.C. 1234a(j)(1) (1988).

DATES: Interested persons may comment on the proposed action by submitting written data, views, or arguments on or before July 22, 1993.

ADDRESSES: Comments should be addressed to Daphna Crotty, Esq., Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue SW. (room 4099, FOB-6), Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Daphna Crotty, Esq., Telephone: (202) 401-0807. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The claim in question arose from an organization-wide audit of the South Dakota Department of Education, conducted by South Dakota's Auditor General, for the fiscal year ending June 30, 1988. The audit was conducted pursuant to the Single Audit Act of 1984 and Office of Management and Budget Circular No. A-128. In reviewing the State's vocational education program expenditures, the auditors found that, in 1988, the State's Department of Education used $150,000 in Federal funds awarded under the Carl D. Perkins Vocational Education Act (the Perkins Act) for a payment on construction bonds, and that the revenue from these bonds was used to pay the costs of construction projects at a number of the State's vocational schools.

The auditors also found that the State plan covering that year did not provide for the use of Federal funds for construction, nor had the State otherwise obtained prior approval from the Department for the use of Perkins funds for construction. The auditors found that the State had originally planned to utilize only non-Federal funds to cover the construction costs in question. They were provided with no evidence showing that the State had intended to utilize Perkins Act funds for this purpose. Therefore, they concluded that the use of $150,000 in Perkins Act funds to make the 1988 bond payment constituted a violation of the Perkins Act supplanting prohibition. (In 1988, the supplanting prohibition was contained in § 113(b)(16) of the Perkins Act and was implemented by 34 CFR 401.19(a)(16) (1988) of the program regulations.)

On March 29, 1991, the U.S. Department of Education's Assistant Secretary for Vocational and Adult Education (Assistant Secretary) issued a program determination letter (PDL) sustaining the auditors' finding on the $150,000 expenditure of Perkins Act funds and required the State to repay the full amount to the Department.

In particular, the Assistant Secretary determined that South Dakota had not obtained prior approval for the use of these Federal funds for construction, and that the $150,000 had been used by the State in such a way as to supplant non-Federal funds. In addition, based upon information obtained from the auditors following their issuance of the audit report, the Assistant Secretary also determined that the $150,000 in Federal funds had been used by the State to make interest payments on the construction bond debt, in violation of the prohibition against the use of Federal funds for making interest payments. See 34 CFR part 74, appendix C, Part II.D.7. (1988).

On April 22, 1991, the State filed a timely request for review of the Assistant Secretary's determination with the Department's Office of Administrative Law Judges. Following litigation of certain procedural issues, on July 29, 1992, the ALJ granted the parties' joint motion for a stay of this proceeding for purposes of mediation. In the course of mediation, the State submitted documentary evidence not previously seen by the auditors or by the Department, in response to the Assistant Secretary's determination that supplanting had occurred. This evidence showed that the State in fact had planned to utilize Federal Perkins Act funds to make construction bond payments. The State also submitted persuasive documentary evidence in response to the Assistant Secretary's determination that the State had failed to obtain prior approval of the $150,000 expenditure in question.

Finally, the State submitted a Statement of Practices and Procedures in which the State Director, Office of Adult, Vocational and Technical Education, certified to the Department that Perkins Act funds will not, in the future, be used to make interest payments on bond debt. In this Statement, the State Director identified five "sub-accounts" in a trust account in which funds are held pending their use for payment on bond debt. In his Statement, the State Director also identified a process by which the State asserts its ability to ensure that Perkins funds are kept in one of the sub-accounts and used only for the payment of principal, rather than for the payment of interest, on the bond debt.

In accordance with the authority provided in 20 U.S.C. 1234a(j)(1), given the documentation submitted by the State, the Statement submitted by the State Director in which he certifies that the State has ensured against the use of Perkins Act funds for the payment of interest on construction bond debt, and the litigation risks and costs of proceeding through the appeal process, the Department has determined that it would not be practical or in the public interest to continue litigation of this case. Rather, under the authority provided in 20 U.S.C. 1234a(j)(1), the Department has determined that a compromise of this claim for $50,000 would be appropriate.

The public is invited to comment on the Department's intent to compromise this claim. Additional information may be obtained by writing to Daphna Crotty, Esq., at the address given at the beginning of this notice.

Program Authority: 20 U.S.C. 1234a(j)(2).

Dated: May 27, 1993.

Sally H. Christensen,

Acting Assistant Secretary for Management and Budget/Chief Financial Officer.

[FR Doc. 93-13246 Filed 6-4-93; 8:45 am]

BILLING CODE 4000-01-P

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Management Service, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before July 7, 1993.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Cary Green, Department of Education, 400 Maryland Avenue SW., room 4682, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Cary Green (202) 401–3200. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Service publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Cary Green at the address specified above.

Dated: June 1, 1993.

Cary Green,

Director, Information Resources Management Service.

Office of Educational Research and Improvement

Type of Review: Extension

Title: Application for Educational Research Program: Field-Initiated Studies

Frequency: Annually

Affected Public: Individuals or households; state or local governments; businesses or other for-profit

Reporting Burden:

Responses: 450

Burden Hours: 4,950

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: The application for the Educational Research Grant Program: Field-Initiated Studies is needed in order to apply for this program. Public and private organizations, institutions, and agencies, institutions of higher education, and individuals compete for these grants.

[FR Doc. 93–13245 Filed 6–4–93; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Financial Assistance: The Associated Western Universities, Inc.

AGENCY: Department of Energy (DOE) Idaho Operations Office.

ACTION: Notice of intent to award.

SUMMARY: The U.S. Department of Energy announces that pursuant to 10 CFR 600.7(b)(2)(i), it plans to negotiate and award Grant Number DE–FG07–93ID13228 to the Associated Western Universities, Inc.

FOR FURTHER INFORMATION CONTACT: Dallas L. Hoffer, Contact Specialist, (208) 526–0014; U.S. Department of Energy, Idaho Operations Office, 785 DOE Place, Mail Stop 1221, Idaho Falls, Idaho 83401–1562.

SUPPLEMENTARY INFORMATION: The objective of the award is to continue efforts to ensure strategic objectives and implementation priorities to improve science and mathematics education in the United States. The U.S. Department of Energy's (DOE) implementation strategies call for an increasing involvement and commitment of its national laboratories, technology centers, field offices, and other Departmental resources to the science education enterprise and for the establishment of appropriate collaborations and partnerships with other federal and state agencies, with business and industry, and throughout the breadth and depth of the academic community. To ensure an adequate supply of scientific and technical manpower, DOE and the predecessor agencies have each recognized the need to embrace science education as vital component of their mission. This award is justified under 10 CFR 600.7(b)(2)(i).

In order for the noncompetitive financial assistance award to be made, the program, as proposed must meet and satisfy one or more of the listed selection criteria. For this proposal, subparagraph (A) "The activity to be funded is necessary to the satisfactory completion of, or is continuation or renewal of, an activity presently being funded by DOE or another Federal Agency, and for which competition for support would have a significant adverse effect on continuity or completion of the activity." DOE has no recent, current, or planned solicitations under which this program is or would be eligible. This award will be for approximately five years at an estimated total cost of $62M. No mandatory cost-sharing will be required under this grant. The Statutory Authority for this grant is Public Law 101–189 "National Defense Authorization Act for Fiscal Years 1990 and 1991."

Procurement Request Number: 07–93ID13228.000

Dated: May 26, 1993.

Dolores J. Ferri,

Director, Contracts Management Division.

[FR Doc. 93–13339 Filed 6–4–93; 8:45 am]

BILLING CODE 6450–01–M

Golden Field Office; Program Interest, Research, Development and Demonstration of Advanced Technologies for the Pulp and Paper Industry

AGENCY: Department of Energy.

ACTION: Notice of Program Interest (NOPI) for Cooperative Agreement Applications.

SUMMARY: The U.S. Department of Energy (DOE), pursuant to the DOE Financial Assistance Rules, 10 CFR part 600.15, announces the availability of a Notice of Program Interest (NOPI) No. DE–NP02–93CH10566 for Research, Development and Demonstration of Advanced Technologies for the Pulp and Paper Industry. This solicitation is in direct response to the requirements of the Energy Policy Act of 1992 (Pub. L. 102–486), title XXI, section 2103.

DATES: The NOPI will be available within two weeks of the date of publication and will include complete information on funding, application preparation, selection criteria and application evaluation. It is anticipated that the NOPI will expire on October 29, 1993. The expiration date is not a common deadline for applications submitted under the NOPI, but merely the last day that applications will be accepted. Applications should be

submitted prior to the expiration date of the NOPI because applications will be considered unsolicited applications and be evaluated upon receipt.

ADDRESSES: To obtain a copy of the NOPI write to the U.S. Department of Energy, Golden Field Office, 1617 Cole Blvd., Golden, Colorado 80401, Attention: Matthew A. Barron, Contract Specialist. The Contracting Officer for this action is Paul K. Kearns.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy's (DOE), Office of Industrial Technologies (DOE–OIT), is launching a new initiative called, "Research, Development and Demonstration of Advanced Technologies for the Pulp and Paper Industry," to accelerate the development of advanced technologies for the U.S. pulp and paper industry.

The objective is to fund research, development and demonstration activities directed at improving the energy efficiency, the productivity, and the competitiveness of the pulp and papermaking operations, and reducing the adverse environmental impacts of these operations.

This program has been enacted under Public Law 102–486, and will be conducted as a 5-year government (DOE)/industry cost-shared initiative. Funds for this program have been requested in the FY 1994 Congressional Budget Request. Government support will be provided through a phased financial assistance program on a funds available basis.

The four phases of the initiative are:

(1) Feasibility investigation,
(2) Engineering development,
(3) Proof-of principle testing, and
(4) Demonstration and commercial application.

Projects may begin at any of these phases, providing that the satisfactory completion of the previous phases can be demonstrated. Applications should be divided into 12-month periods for task descriptions, schedule, and budgeting purposes. As such, each phase could last one year or phases requiring longer duration could be further subdivided into 12-month subphases.

Applications will be grouped and evaluated according to the following major activity categories:

1. Chemical Pulping and Bleaching,
2. Chemical Recovery and Power Generation,
3. Mechanical Pulping,
4. Papermaking, and
5. Pollution Prevention/Waste Reduction Strategies.

Projects that will be considered for funding include activities related to energy generation technologies, boilers, combustion processes, pulping processes (excluding deinking), chemical recovery, causticizing, source reduction processes, water removal and drying processes, and other related technologies that can improve the efficiency, and reduce the adverse environmental impacts, of pulp and papermaking operations. Projects involving the combustion of waste paper, other than gasification, will not be considered for funding.

DOE will require a commitment from non-Federal sources of a portion of the total cost of all projects. For research and development projects, cost sharing of at least 20% of the total cost of the project will be required from non-Federal sources. For demonstration or commercial application projects, the non-Federal share shall equal at least 50% of the total cost of the project. The involvement of private industry is an essential element of the DOE pulp and paper program. Research, development and demonstration supported under this program must include participation by companies that are potential users of the resulting technology. The research, development and demonstration activities funded under this NOPI shall be conducted in the United States. Participation by suppliers of equipment is encouraged.

Subject to the availability of funds, it is anticipated that three (3) or four (4) Fiscal Year 1994 Cooperative Agreement awards totaling approximately three million dollars of DOE funding will be made. While projects may begin at any of the four phases indicated above, satisfactory completion of the previous phases must be demonstrated.

Awards will be made to technically acceptable applicants as applications are evaluated, not as in a competitive solicitation where all applications are received, evaluated and awards are made. DOE reserves the right to fund as many of the applications as have technical merit or none. If sufficient acceptable applications are received, funding may determine the number of awards.

If you are interested in receiving a copy of the NOPI, write to Mr. Matthew A. Barron at the address listed above. All responsible sources may submit an application and all timely submitted applications will be considered.

Issued in Chicago Illinois, on May 28, 1993.

Timothy S. Crawford,

Assistant Manager for Administration.

[FR Doc. 93–13338 Filed 6–4–93; 8:45 am]

BILLING CODE 6450–01–M

Advisory Committee to Develop On-Site Innovative Technologies for Environmental Restoration and Waste Management

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following Advisory Committee meeting:

Name: Federal Advisory Committee to Develop On-Site Innovative Technologies for Environmental Restoration and Waste Management (DOIT Committee).

Dates and Times: Tuesday, June 22, 1993: 9:30 a.m.–11 a.m.

Place: Loews Ventana Canyon Resort, 7000 North Resort Drive, Tucson, Arizona 85715.

FOR FURTHER INFORMATION CONTACT: Dr. Clyde Frank, Deputy Assistant Secretary Technology Development, EM–50, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–6382.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee

The DOIT Committee will serve as the primary vehicle for recommending a program that can be adopted to implement a Memorandum of Understanding (MOU) regarding Environmental Restoration and Waste Management in western states. This memorandum of understanding was signed in July 1991 by representatives from the U.S. Departments of Defense, the Interior, and Energy, the U.S. Environmental Protection Agency, and the Western Governors' Association (WGA), the latter representing twenty western states and territorial governors. The DOIT Committee will help to improve Federal environmental restoration and waste management efforts by identifying technology needs at Federal facilities in western states; identifying/assessing emerging technologies within the Federal and private sectors; identifying regulatory, institutional, or other governmental barriers to technology development; and identifying workforce planning/education requirements.

Tentative Agenda

9:30 a.m. Meeting opens—introductory remarks

- Review of previous meeting minutes and approval of the minutes as read
- Working Group reports
- Interim Coordinating Group report
- Discussion on Project

implementation
10:30 to 11 a.m. Open time for public comment
11 a.m. Meeting adjourns

A final agenda will be available at the meeting.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Dr. Clyde Frank's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. Depending on the number of requests, comments may be limited to five minutes. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on June 2, 1993.

Howard H. Raiken,

Advisory Committee Management Officer.

[FR Doc. 93-13340 Filed 6-4-93; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER92-91-001, et al.]

Montaup Electric Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

May 27, 1993.

Take notice that the following filings have been made with the Commission:

1. Montaup Electric Co.

[Docket No. ER92-91-001]

Take notice that on May 24, 1993, Montaup Electric Company (Montaup) tendered for filing an executed amendment to the System Exchange Agreement with Connecticut Municipal Electric Energy Cooperative.

Comment date: June 11, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. John G. Graham

[Docket No. ID-2220-002]

Take notice that on March 24, 1993, John G. Graham (Applicant) tendered for filing an application under section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President and Chief Financial Officer—General Public Utilities Corporation
Director—Edisto Resources, Inc.

Comment date: June 11, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Northern States Power Company (Minnesota)

[Docket No. ER93-385-001]

Take notice that on May 19, 1993, Northern States Power Company (Minnesota) tendered for filing its compliance filing in the above-referenced docket pursuant to the Commission's order issued on April 20, 1993.

Comment date: June 11, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Public Service Company of New Hampshire

[Docket No. ER93-417-000]

Take notice that on April 30, 1993, Public Service Company of New Hampshire (PSNH) tendered for filing an amendment to its original filing filed in this docket on March 1, 1993.

Comment date: June 11, 1993, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-13255 Filed 6-4-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP93-353-000, et al.]

El Paso Natural Gas Co., et al.; Natural Gas Certificate Filings

May 28, 1993.

Take notice that the following filings have been made with the Commission:

1. El Paso Natural Gas Co.

[Docket No. CP93-353-000]

Take notice that on May 24, 1993, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas, 79978, filed in Docket No. CP93-353-000, a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act and pursuant to El Paso's blanket certificate authorization issued in Docket Nos. CP82-435-000 and CP88-433-000, for authority to construct and operate a delivery tap in Coconino County, Arizona for the firm transportation and delivery of natural gas to Citizens Utilities Company (Citizens), all as more fully set forth in the application which is on file and open to public inspection.

Specifically, El Paso states that Citizens will need gas to service the Wing Mountain Residential Subdivision which need gas for space heating. El Paso also states that it has sufficient capacity to accomplish the deliveries without detriment to its other customers. In order to accommodate Citizens' request, El Paso will construct the tap and value assembly on its existing ¼ O.D. Fort Valley Line in Coconino County at an estimated cost of $6,416.

Comment date: July 12, 1993, in accordance with Standard Paragraph G at the end of this notice.

2. Columbia Gas Transmission Corp.

[Docket No. CP93-356-000]

Take notice that on May 25, 1993, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP93-356-000, a request pursuant to §§ 157.205, 157.211 and 157.216 (18 CFR 157.205, 157.211 and 157.216) of the Commission's regulations under the Natural Gas Act, and Columbia's authorization in Docket No. CP83-76-000) to relocate an existing point of delivery to be utilized for increased deliveries of both sales and transportation volumes to an existing customer, and abandon approximately 0.2 miles of lateral 2-inch pipeline in Huron County, Ohio, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia requests authorization to relocate the facilities necessary to provide a new point of delivery for both sales and transportation service to Columbia Gas of Ohio, Inc. (COH) and the abandonment of pipeline in Huron County, Ohio; to serve Central Soya, an industrial customer, as follows:

Wholesale customer	Rate schedule	MDO (Dth/D)	MDDO (Dth/D)	Annual volumes (Dth)
COH	CDS, FTS and ITS	[1] 1,750	[1] 2,800	([2])

[1] Total: 4,550 Dth/Day.
[2] Total: 1,100,000 Dth/Annually includes Rate Schedules CDS, FTS and ITS.

Columbia states that the new point of delivery has been requested by Columbia's existing wholesale customer to serve Central Soya, an industrial customers of COH. The proposed new point of delivery would continue as a certificated point of delivery under Rate Schedule CDS to COH with an increase in the maximum daily delivery obligation from 635 Dth/day to 2,800 Dth/day, it is stated. Columbia also states that the quantities of natural gas to be provided through the new delivery point are within Columbia's currently authorized level of sales service and will be within existing peak day entitlement of COH. It is further states that the proposed new point of delivery would be added to COH's existing service agreement with Columbia under Rate Schedule CDS, and COH has agreed to reimburse Columbia for the cost of the interconnection, plus any gross-up required for tax purposes. Columbia states that Central Soya has requested from COH an increase up to 2,800 Dth/Day in firm deliveries with a potential of an additional 1,750 Dth/Day of interruptible transportation service.

Columbia further states that it will comply with the applicable environmental requirements of § 175.206(d) of the Commission's regulations during the construction and abandonment of the facilities.

Comment date: July 12, 1993, in accordance with Standard paragraph G at the end of this notice.

3. El Paso Natural Gas Co.

[Docket No. CP93–359–000]

Take notice that on May 26, 1993, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978 filed in Docket No. CP93–359–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to Abandon the A.J. Fram Farm Tap, located at approximately milepost 203.6 on El Paso's Tucson-Phoenix line and Tucson-Phoenix Loop Line in Section 21, Township 1 South, Range 4 East, Maricopa County, Arizona, under El Paso's blanket certificate issued in Docket No. CP82–435–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

El Paso states that it installed the A.J. Fram Farm Tap in December 1947 as a right-of-way grantor tap to serve, through the Southwest Gas Corporation (Southwest), the requirements of Mr. A.J. Fram. El Paso states further that by letter dated April 2, 1993, Southwest requested El Paso to abandon and remove the A.J. Fram Farm Tap. It is said that the tap has been inactive since May 1989, and is being encroached upon by a residential development.

El Paso avers that there will be no adverse environmental effects from the proposed abandonment. It is stated that the tap and valve assemblies, with appurtenances, will be removed and the salvageable materials will be reused.

Comment date: July 12, 1993, in accordance with Standard Paragraph G at the end of this notice.

4. Arkla Energy Resources Co.

[Docket No. CP93–358–000]

Take notice that on May 25, 1993, Arkla Energy Resources Company (AER), Post Office Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP93–358–000 a request pursuant to § 157.205 of the Commission's Regulations to upgrade three existing tap for increased deliveries to Arkansas Louisiana Gas Company (ALG) for resale customers in Union Parish, Louisiana, under AER's blanket certificate issued in Docket No. CP82–384–001, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

AER proposes to: (a) Upgrade and replace an existing 1-inch meter with a 1-inch U-shape meter station on AER's Line F in Union Parish, Louisiana to serve customers on ALG's new Rural Extension No. 1322 using approximately 595 Mcf of natural gas per year and 32 Mcf of natural gas per peak day at an estimated cost of $10,300; (b) upgrade and replace an existing 1-inch meter with a 1-inch U-shape meter station on AER's Line H in Union Parish, Louisiana to serve customers on ALG's new Rural Extension No. 1323 using approximately 595 Mcf of natural gas per year and 32 Mcf of natural gas per peak day at an estimated cost of $10,300; (c) upgrade and replace an existing 1-inch meter with a 1-inch U-shape meter station on AER's Line FM–38 in Union Parish, Louisiana to serve customers on ALG's new Rural Extension No. 1324 using approximately 2,510 Mcf of natural gas per year and 33 Mcf of natural gas per peak day at an estimated cost of $12,800. ALG would reimburse AER for all construction costs, it is indicated. AER states that the natural gas required for the sales services would be delivered from AER's general system supply, which is adequate to provide the service. AER states that the volumes delivered to ALG under Rate Schedule CD are within ALG's entitlements and AER's tariff does not prohibit the addition of new delivery points.

Comment date: July 12, 1993, in accordance with Standard Paragraph G at the end of this notice.

Northern Natural Gas Company

[Docket No. CP93–355–000]

Take notice that on May 24, 1993, Northern Natural Gas Company (Natural), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP93–355–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to install and operate a delivery point in Blue Earth County, Minnesota, for service to Northwest Natural Gas Company (Northwest), under Northern's blanket certificate issued in Docket No. CP82–401–000, all as more fully set forth in the request

which is on file with the Commission and open to public inspection.

Northern proposes to install and operate the facilities to accommodate deliveries of natural gas to Northwest, which requested the additional delivery point in order to satisfy expansion into new markets by Northwest. It is stated that the delivery point would be known as the Mapleton #1 Town Border Station. Northern states that the delivery point would be used for the delivery of 1,344 Mcf on a peak day and 163,840 Mcf on an annual basis, under existing service agreements with Northwest. It is asserted that the end uses of the gas would be residential and commercial. The cost of the proposed delivery point is estimated at $135,000.

It is stated that the volumes delivered using the facilities proposed herein are within Northwest's existing entitlement from Northern. It is asserted that Northern's tariff does not prohibit the addition of new delivery points. It is further asserted that Northern has sufficient capacity to accomplish the deliveries without detriment or disadvantage to its other customers.

Comment date: July 12, 1993, in accordance with Standard Paragraph G at the end of this notice.

6. Northern Natural Gas Co.

[Docket No. CP93–349–000]

Take notice that on May 19, 1993, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed in Docket No. CP93–349–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a gas exchange service with K N Energy, Inc. (K N), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern states that by Commission order issued September 20, 1984, in Docket Nos. CP84–182–000 and CP83–500–000 (28 FERC ¶62,433) the Commission authorized a gas exchange service between Northern and K N in accordance with an agreement between the parties dated October 19, 1979, as amended. Such agreement is on file with the Commission as Rate Schedule X–108 of Northern's FERC Gas Tariff, Original Volume No. 2 and as Rate Schedule X–11 of K N's FERC Gas Tariff.

Northern states that in accordance with its Rate Schedule X–108, Northern and K N exchange thermally equivalent volumes of natural gas purchased by Northern and K N in the Roger Mills County, Oklahoma Area. Northern asserts that proper notice was given for the termination of the service under this rate schedule and requests that the abandonment thereof be effective on the date of the Commission's order approving the instant application.

No facilities are proposed to be abandoned herein.

Comment date: June 17, 1993, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93–13254 Filed 6–4–93; 8:45 am]

BILLING CODE 6717–01–M

Federal Energy Regulatory Commission

[Docket No. JD93–09236T Oklahoma–39 et al.]

State of Oklahoma; NGPA Notices of Determination by Jurisdictional Agency Designating Tight Formations

June 1, 1993.

Take notice that on May 25, 1993, the Corporation Commission of the State of Oklahoma (Oklahoma) submitted the above-referenced notices of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that parts of the Sycamore, Woodford, Hunton, and Viola Formations underlying portions of Grady, McClain, and Garvin Counties qualify as tight formations under section 107(b) of the Natural Gas Policy Act of 1978. The designated areas are more fully described on the appendix.

The notices of determination also contain Oklahoma's findings that the referenced portions of the Sycamore, Woodford, Hunton, and Viola Formations meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determinations may file a protest, in accordance with 18 CFR 275.203, and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

Appendix

[JD93–09236T Oklahoma–39]

The recommended area is in the following portions of Grady, McClain, and Garvin Counties, Oklahoma:

Township 5 North, Range 5 West,
Secs. 1–5: All;
Sec. 8: N/2;
Secs. 9–15: All;
Sec. 16: E/2;

Sec. 21: E/2;
Secs. 22–25: All;
Sec. 26: N/2;
Sec. 36: All.
Township 5 North, Range 4 West,
Sec. 7: S/2;
Secs. 15–16: All;
Sec. 17: SW/4;
Sec. 18: All;
Sec. 19: N/2, SW/4;
Sec. 20: E/2NE/4;
Sec. 21: N/2;
Sec. 22: W/2;
Sec. 27: NW/4, S/2;
Sec. 28: S/2;
Secs. 31–33: All;
Sec. 34: SE/4;
Sec. 36: SE/4.
Township 4 North, Range 4 West,
Sec. 1: All;
Sec. 2: N/2, SE/4;
Sec. 3: N/2;
Sec. 5: NE/4, W/2;
Sec. 6: E/2, NW/4;
Sec. 7: E/2;
Sec. 8: W/2, SE/4;
Sec. 9: S/2;
Sec. 10: SW/4, S/2SE/4;
Sec. 11: S/2SW/4;
Sec. 15: NE/4, W/2;
Sec. 16: N/2;
Sec. 17: 2.
Township 4 North, Range 3 West,
Sec. 6: All;
Sec. 7: N/2N/2, SE/4NW/4.

[JD93–09237T Oklahoma–40]

The recommended area is in the following portion of McClain County, Oklahoma:

Township 5 North, Range 4 West,
Sec. 36: W/2.

[JD93–09238T Oklahoma–41]

The recommended area is in the following portions of Garvin County, Oklahoma:

Township 4 North, Range 4 West,
Sec. 12: SW/4SE/4, SW/4;
Sec. 13: NW/4;
Sec. 14: NE/4.

[JD93–09239T Oklahoma–42]

The recommended area is in the following portions of Garvin County, Oklahoma:

Township 4 North, Range 4 West,
Sec. 3: SW/4;
Sec. 4: E/2.

[FR Doc. 93–13259 Filed 6–4–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–53–005]

Carnegie Natural Gas Co.; Request for Extension of Temporary Waiver of Regulations and Tariff

June 1, 1993.

Take notice that on May 27, 1993, Carnegie Natural Gas Company ("Carnegie") filed a request for an extension of a temporary waiver of § 154.305(i) of the Commission's regulations and the relevant provisions of Carnegie's FERC gas tariff previously granted by the Commission in this proceeding, citing Commission orders issued on January 29, 1993, and April 23, 1993. Carnegie Natural Gas Co., 62 FERC ¶ 61,083 (1993), reh'g granted in part, 63 FERC ¶ 61,114 (1993).

Carnegie states that through this previous grant of waiver, the Commission permitted Carnegie to withhold from three of its four firm sales customers—UGI Utilities, Inc., Columbia Gas of Pennsylvania, Inc., and Columbia Gas of Ohio, Inc.—their respective allocable shares of a refund received by Carnegie from Texas Eastern Transmission Corporation ("Texas Eastern") on October 30, 1992. Carnegie states that such temporary waiver does not apply to refunds due its fourth jurisdictional sales customer, New Jersey Natural Gas Company. Carnegie further states that the temporary waiver will expire on the earlier of June 30, 1993, or the date the Commission issues a final order in Carnegie's restructuring proceeding in Docket No. RS92–30–000.

Carnegie's states that it is requesting an extension of the June 30, 1993 expiration date to prevent the temporary waiver from lapsing in the event a final Commission order in Carnegie's restructuring proceeding is not issued before June 30, 1993. Carnegie requests that the Commission extend the expiration date of the temporary waiver until the date the Commission issues a final order in Docket No. RS92–30–000 authorizing the implementation of Carnegie's restructured services.

Carnegie states that copies of its filing were served on all jurisdictional customers and interested state commissions, as well all other parties designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before June 8, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–13261 Filed 6–4–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. EL93–44–000, EC93–13–000, and ES93–37–000]

The Official Bondholders' Committee of EUA Power Corp.; Filing

June 1, 1993.

Take notice that on May 26, 1993, the Official Bondholders' Committee of EUA Power Corporation (the "Committee") tendered for filing a petition pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(2), for a declaratory order disclaiming jurisdiction over the implementation of the Committee's Chapter 11 proposed plan of reorganization (the "Plan") for Great Bay Power, formerly known as EUA Power Corporation, or in the alternative, for sections 203 and 204 authorization for the reorganization of Great Bay Power and the Issuance of Securities and Assumption of Liabilities pursuant to the Plan. The Committee has also requested expedited consideration of the application, and waiver of any applicable Commission regulations not satisfied by that filing, including the requirements of parts 33 and 34 of the Commission's regulations.

Great Bay Power filed a voluntary petition under Chapter 11 of the Bankruptcy Code on February 28, 1991 in the United States Bankruptcy Court for the District of New Hampshire ("Bankruptcy Court"). The Committee filed the Plan on December 21, 1992. On March 5, 1993, the Bankruptcy Court confirmed the Plan.

Pursuant to the Plan, all existing equity securities of Great Bay Power will be canceled and replaced by a single class of common stock (the "New Securities") to be issued by the reorganized Great Bay Power ("Reorganized Great Bay Power"). The number of shares of the new Securities equal to each Bondholder's Securities. All unsecured claims, including deficiency claims of the Bondholders, in an amount in excess of $25,000 will be converted into 15% of the New Securities. The holders of unsecured claims of less than $25,000 will be paid 50% of the allowed amount of their claims in cash upon confirmation of the Plan.

Pursuant to the Plan, the Committee has entered into an engagement letter dated February 25, 1993 (the "Engagement Letter") with Shearson Lehman Brothers, Inc. ("Lehman Brothers"). The Engagement Letter, the terms of which extend through December 31, 1993, retains Lehman Brothers as Great Bay Power's placement agent for negotiating and placing a post-confirmation revolving

credit facility (the "Facility"). The Facility would be in the principal amount of $45 million, an amount sufficient to cover foreseeable operating shortfalls, and would bear interest at a rate that has not yet been determined. The Facility would expire in September 1998, and would be secured by a first priority perfected lien and mortgage on all assets of Reorganized Great Bay Power.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before June 29, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-13256 Filed 6-4-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ES93-21-000, ES93-21-001, ES93-21-002 and ES93-21-003]

Multitrade Limited Partnership; Order Denying Disclaimer of Jurisdiction and Denying Retroactive Authorization To Issue Securities and Assume Obligations

Issued June 1, 1993.

On January 28, 1993, Multitrade Limited Partnership (Multitrade) filed a request that, *inter alia*, the Commission disclaim jurisdiction over or, in the alternative, retroactively authorize the issuance of certain securities[1] pursuant to section 204 of the Federal Power Act (FPA).[2] Multitrade filed amendments to its application on February 23, March 11 and March 19, 1993.

Notice of Multitrade's original filing was published in the **Federal Register**,[3] with comments, protests, or motions to intervene due on or before February 19, 1993. None were filed.

Background

Multitrade was previously the owner of a 79.505 MW facility (the Facility) under construction in Pittsylvania County, Virginia, that the Commission certified as a qualifying biomass small power production facility.[4] On October 10, 1989, Multitrade filed with the Commission a Power Purchase and Operating Agreement between Multitrade and Virginia Electric and Power Company (VEPCO). The Power Purchase and Operating Agreement concerns the sale of power from the Facility to VEPCO. The Power Purchase and Operating Agreement was accepted for filing by the Director, Division of Electric Power Application Review, Office of Electric Power Regulation, pursuant to delegated authority, by letter order issued on November 15, 1989 (1989 Letter Order).

When the Power Purchase and Operating Agreement was accepted for filing, Multitrade was also granted a waiver of the full filing requirements of part 34 of the Commission's regulations (concerning the issuance of securities and assumption of obligations); however, the 1989 Letter Order did not waive the underlying section 204 requirement to obtain prior approval.[5]

In its original January 28, 1993 filing, Multitrade notified the Commission that it had entered into certain transactions involving the issuance of securities without prior authorization from the Commission. Multitrade informed the Commission that it had entered into the following transactions:[6]

1. Multitrade borrowed $325,000 from a bank on December 2, 1991, and gave a promissory note to the bank.
2. Multitrade borrowed $50,000 from an individual lender on December 2, 1991, and gave a promissory note to the lender.
3. Multitrade obtained non-interest bearing advances from its general partner totaling $1,585,000 from November 15, 1989 to the date of the filing.
4. Multitrade entered into a reimbursement agreement with MPC on November 9, 1992, for funds that might be advanced by Multitrade to MPC.

Multitrade requests that the Commission either disclaim jurisdiction over, or retroactively authorize, its issuance of securities.

Discussion

Multitrade argues that it was not subject to section 204 when it issued the securities because it had not commenced interstate sales or transmission of electric energy. Therefore, Multitrade contends that it was not required to notify or seek authorization from the Commission prior to issuing the securities.

In support of its argument, Multitrade states that, in *Dade County*, the Commission determined that FPA jurisdiction attaches when interstate sales and transmission of power have commenced. In *Dade County*, the Commission stated as follows:

> We note that section 204 of the FPA applies only to "public utilities." Section 201(e) of the FPA defines "public utility" as a person who owns or operates facilities subject to the jurisdiction of the Commission. Section 201(b)(1) provides that the Commission has jurisidiction over facilities "for such transmission or sale of electric energy" which is the transmission of electric energy in interest commerce and the sale of electric energy at wholesale in interstate commerce. Therefore, public utility status attaches only when such interstate sales or

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[1] In its original January 28, 1993 filing, Multitrade also submitted an agreement entitled "Asset Purchase Agreement." Under the terms of the Asset Purchase Agreement, Multitrade agreed to sell all of its interests in the Facility, including its rights under the Power Purchase and Operating Agreement, discussed *infra*, to Multitrade of Pittsylvania County, L.P. (MPC). The transfer was authorized by the Director, Division of Opinions and Systems Analysis, Office of Electric Power Regulation, pursuant to delegated authority, on March 5, 1993. Multitrade Limited Partnership and Multitrade of Pittsylvania County, L.P., 62 FERC ¶62,163 (1993).

[2] 16 U.S.C. 824c (1988). Section 204(a) states, in relevant part: No public utility shall issue any security, or assume any obligation or liability as a guarantor, indorser, surety, or otherwise in respect of any security of another person, unless and until, and then only to the extent that, upon application by the public utility, the Commission by order authorized such issue or assumption of liability.

[3] 58 FR 8,266 (1993).

[4] Multitrade was granted certification for a qualifying small power production facility on March 1, 1988. Multitrade Group, Inc.—Pittsylvania County, Virginia, 42 FERC ¶62,184 (1988), *recertification granted sub nom.* Multitrade Limited Partnership, 48 FERC ¶62,142 (1989). Qualifying biomass small power production facilities with a capacity of over 30 MW that engage in the sale of electric energy in interstate commerce to any person for resale are not exempt from the Federal Power Act. See 18 CFR 292.601(b) (1992).

[5] See 18 CFR part 34 (1992). The part 34 waiver granted to Multitrade was consistent with other part 34 waivers that are granted to qualifying small power production facilities—it waived the full filing requirements of Part 34 but expressly retained the underlying prior approval requirement of section 204. See, *e.g.*, Resources Recovery (Dade County), Inc., 20 FERC ¶61,138 at 61,303 (1982) (*Dade County*).

[6] Multitrade also issued a promissory note on June 27, 1991, in the amount of $1,200,000 to the "84/16 Partnership," a District of Columbia partnership. On July 8, 1991, Multitrade filed a Certificate of Notification in Docket Nos. ER90-18-000 and ER90-435-000, notifying the Commission that it had issued the $1,200,000 note. Multitrade's filing contained details of the note, including: (1) to whom it was issued; (2) date of issuance; and (3) a description of the terms. The filing, however, did not comply with the requirements of the 1989 Letter Order because Multitrade made the filing after the note was issued, and Multitrade did not seek prior Commission authorization for the issuance as required by section 204. The Commission took no action on the notification and Multitrade has not requested any Commission action in this proceeding.

transmission have commenced. As a result, the issuance of securities by a person owning facilities which have not yet been used for such transmission or such sales does not require advance Commission approval.[7]

However, the Commission, after *Dade County* but prior to accepting the Power Purchase and Operating Agreement for filing, found that FPA jurisdiction also attaches when the Commission accepts a voluntary rate filing by an entity that has not yet commenced operation.[8] Accordingly, an entity not otherwise excluded from our jurisdiction[9] because subject to, *inter alia*, section 204 at the earlier of the date when it commences interstate sales or transmission, or when the Commission accepts a voluntary rate filing. That is, if an entity chooses to consent to FPA jurisdiction at a date earlier than the date it commences sales for resale or transmission of electric energy in interstate commerce by having a rate schedule accepted for filing prior to the commencement of service, that entity will be subject to FPA jurisdiction for all purposes upon the acceptance of the filing. Consistent with *Ocean State Power*, Multitrade became subject to, *inter alia*, section 204 when the Power Purchase and Operating Agreement concerning the sale of power to VEPCO was accepted for filing on November 15, 1989. Therefore, we will deny Multitrade's request that the Commission disclaim jurisdiction over its issuance of securities.

Section 204 requires that no public utility shall issue any security unless and until, and only to the extent that, the Commission authorizes such issuance. Authorization must be obtained prior to the issuance of any securities. Multitrade's filing does not meet the requirements of section 204 because it was made after the securities were issued. Because the requirements of section 204 have not been met, we will deny Multitrade's request that the Commission retroactively authorize the issuance of securities. However, the Commission does not intend to pursue any enforcement action concerning Multrade's failiure to comply with section 204 since ownership of the Facility has been transferred from Multitrade to MPC.

The Commission Orders

(A) Multitrade's request that the Commission disclaim jurisdiction over or, in the alternative, retroactively authorize the issuance of certain securities by Multitrade is hereby denied, as discussed in the body of this order.

(B) The secretary shall promptly publish a copy of this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–13328 Filed 6–4–93; 8:45 am]

BILLING CODE 6717–01–M

[7] 20 FERC at 61,305 n.11.

[8] For instance, in Ocean State Power, 38 FERC ¶ 61,140 at 61,378 (1987) (footnotes omitted), the Commission stated: "With our acceptance of this rate filing, Ocean State owns 'jurisdictional facilities' within the meaning of section 201 of the [FPA]. Ocean State shall hereafter make any filings required by the FPA and the Commission's regulations."

In footnote 5, following the above quoted language, the Commission also stated: "Ocean State's anticipated reorganization (See 2, *supra*) *may* necessitate a filing under section 204 of the FPA, 16 U.S.C. 824c (1982)." *Id.* at 61,380 n.5 (emphasis added). Our use of "may" in footnote 5 stemmed from the fact that we had not at that time previously determined whether a proposed reorganization of a partnership involving the granting of equity interests to new partners (see *id.* at 62,380 n.2; see also Ocean State Power, 43 FERC ¶ 61,466 at 62,138–39 (1988)), fell within the definition of security under section 3(16) of the FPA, 16 U.S.C. § 796(16) (1988), and thus within the scope of section 204 of the FPA. We subsequently answered that question in the affirmative. See 43 FERC at 62,140.

[9] See 16 U.S.C. 824(f), 824c(f) (1988); 18 CFR 292.601(a), (c) (1992).

[Docket No. TQ93–4–7–000]

Southern Natural Gas Co.; Proposed Changes to FERC Gas Tariff

June 1, 1993.

Take notice that on May 27, 1993, Southern Natural Gas Company (Southern) tendered for filing the following revised sheets to its FERC Gas Tariff, Sixth Revised Volume No. 1:

One Hundred Thirtieth Revised Sheet No. 4A
Forty-Third Revised Sheet No. 4B
Forty-Ninth Revised Sheet No. 4J

The proposed tariff sheets and supporting information are being filed with proposed effective date of July 1, 1993.

Southern states that the aforesaid tariff sheets reflect a decrease of $.07 per Mcf at 1,000 Btu in the commodity component of Southern's rates from its last out-of-cycle PGA filing in Docket No. TQ93–3–7–000 as a result of projected changes in Southern's cost of purchased gas.

Southern states that copies of Southern's filing were served upon all of Southern's jurisdictional purchasers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (Sections 385.214 and 385.211). All such petitions or protests should be filed on or before June 8, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–13257 Filed 6–4–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–352–000]

Tennessee Gas Pipeline Co.; Request Under Blanket Authorization

June 1, 1993.

Take notice that on May 21, 1993, Tennessee Gas Pipeline Company (Tennessee), P. O. Box 2511, Houston, Texas 77252, filed in Docket No. CP93–352–000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to abandon certain pipeline facilities in Fairfield County, Connecticut, under Tennessee's blanket certificate issued in Docket No. CP82–413–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Tennessee proposes to abandon approximately 0.71 miles of its six inch pipeline known as the Bridgeport Delivery No. 1 Line 341A–100 (Bridgeport lateral). Tennessee states that this line shares a casing with a 10-inch pipeline under the Merritt Parkway and that the casing is shorted and all attempts to clear the short have failed. Tennessee states that it proposes to separate the Bridgeport lateral from the 10-inch line and abandon the Bridgeport lateral in place. If this is unsuccessful in clearing the short, Tennessee states that it proposes to remove approximately 340 feet of the Bridgeport lateral and the 10-inch line from the casing. The 10-inch line would be replaced under § 2.55(b) of the Commission's Regulations, it is stated.

Tennessee further states that the Bridgeport Meter Station 2–0126 will remain active and will not be affected by the abandonment.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the

Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93–13260 Filed 6–4–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–122–000]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

June 1, 1993.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on May 26, 1993, tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, six copies of the following tariff sheets:

Original Sheet No. 159
Original Sheet No. 160
Original Sheet No. 161

The proposed effective date of these tariff sheets is July 1, 1993.

Texas Eastern states that the above tariff sheets are filed as a limited application pursuant to section 4 of the Natural Gas Act, 15 U.S.C. 717c (1988). Texas Eastern states that the purpose of the filing is to permit Texas Eastern to recover certain costs incurred by Texas Eastern following the termination of Texas Eastern's Gas Supply Inventory Reservation Charge (GSIRC) on November 1, 1992, in light of Order No. 636. Texas Eastern states that these costs were incurred as a direct consequence of Texas Eastern's need to continue to stand ready to meet its customers' purchase rights under their existing service agreements with Texas Eastern during the period following the termination of the GSIRC on November 1, and the implementation of Order No. 636 on Texas Eastern's system.

Texas Eastern states that this filing covers a principal amount of $10,783,831.98 for the period from November 1, 1992 through February 28, 1993, which are the costs that are currently measurable and shown on the books of Texas Eastern, plus applicable carrying charges. Texas Eastern further states that it proposes to recover its costs through a direct bill mechanism analogous to that employed for recovering Account 191 costs.

Texas Eastern states that copies of its filing have been served on all Authorized Purchasers of Natural Gas from Texas Eastern and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 8, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on a file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–13258 Filed 6–4–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Arms Control and Nonproliferation

Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above-mentioned agreement involve approval of the following sales: Contract S–EU–973, for the sale of 74.975 grams of uranium, enriched to 93.122 percent in the isotope uranium-235, and 1.000 gram of plutonium, and Contract S–EU–976, for the sale of 74.975 grams of uranium, enriched to 93.122 percent in the isotope uranium-235, and 1.000 gram of plutonium. These materials are to be used by the Centraal Bureau voor Nucleaire Matingen, Geel, Belgium, for standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

This subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, DC, on June 2, 1993.

Edward T. Fei,

Acting Director, Office of Nonproliferation Policy.

[FR Doc. 93–13337 Filed 6–4–93; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL MARITIME COMMISSION

MSC/POL Space Charter and Sailing Agreement; Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in section 572.603 of Title 46 of the Code of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 232–011415.

Title: MSC/POL Space Charter and Sailing Agreement.

Parties:

Mediterranean Shipping Co., S.A.
Polish Ocean Lines

Synopsis: The proposed Agreement authorizes the parties to charter space from one another, and to schedule and coordinate sailings in the trade between the United States Atlantic and Gulf ports and points, and ports in Europe (including ports in the United Kingdom and the Republic of Ireland).

Dated: June 1, 1993.

By Order of the Federal Maritime Commission.

[FR Doc. 93–13248 Filed 6–4–93; 8:45 am]

BILLING CODE 6730–01–M

[Petition No. P3–93, et al.]

Filing of Petitions for Temporary Exemption From Electronic Tariff Filing Requirements

In the matter of Petition No. P3–93, Petition of Union Transport Corp.; Petition No. P4–93, Petition of North Atlantic

Alliance Assoc. Inc.; Petition No. P5–93, Petition of New York-New Jersey Foreign Freight Forwarders and Brokers Assoc.; Petition No. P6–93, Petition of Votainer USA Inc. and Affiliates.

Notice is hereby given of the filing of petitions by the above named petitioners, pursuant to 46 CFR 514.8(a), for temporary exemption from the electronic tariff filing requirements of the Commission's ATFI System. Petitioners request exemption from the June 4, 1993, electronic filing deadline for a period of ninety (90) days. All petitioners state they are non-vessel operating common carriers, and are small to medium sized entities that have relied on a batch filer certified by the Commission to meet electronic filing requirements. Petitioners state they are unable to comply with the June 4, 1993, deadline for filing of World Wide/Asian and South Pacific tariffs.

To facilitate thorough consideration of the petition, interested persons are requested to reply to the petition no later than June 11, 1993. Replies shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573–0001, shall consist of an original and 15 copies, and shall be served on counsel for Petitioners: Carlos Rodriguez, Esq., Sonnenberg, Anderson, O'Donnell & Rodriguez, 1120 Connecticut Avenue, NW., Suite 470, Washington, DC 20036.

Copies of the petition are available for examination at the Washington, DC office of the Secretary of the Commission, 800 N. Capitol Street, NW., room 1046.

Joseph C. Polking,

Secretary.

[FR Doc. 93–13252 Filed 6–4–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Huntington Bancshares Incorporated, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 1, 1993.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Huntington Bancshares Incorporated, Columbus, Ohio, and Huntington Bancshares West Virginia, Inc., Columbus, Ohio; to merge with Commerce Banc Corporation, Charleston, West Virginia, and thereby indirectly acquire Commerce Bank, N.A., Charleston, West Virginia, and Commerce Bank Man, Inc., Man, West Virginia; NBCC, Inc., and thereby indirectly acquire Commerce Bank Huntington, N.A., Huntington, West Virginia; NCB Corp., and thereby indirectly acquire Commerce Bank Parkersburg, Inc., Parkersburg, West Virginia. In connection with this application, Applicants also propose to acquire 7.67 percent of the voting shares of First National Bank of Beckley, Beckley, West Virginia.

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. BankIllinois Financial Co., Champaign, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Illinois in Champaign, Champaign, Illinois.

2. Valley Bancorporation, Appleton, Wisconsin; to acquire 100 percent of the voting shares of Pierce County Bank and Trust Company, Ellsworth, Wisconsin.

Board of Governors of the Federal Reserve System, June 1, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-13293 Filed 6-4-93; 8:45 am]

BILLING CODE 6210-01-F

PNC Bank Corp.; Acquisition of Company Engaged in Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a) or (f) of the Board's Regulation Y (12 CFR 225.23(a) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 28, 1993.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. PNC Bank Corp., Pittsburgh, Pennsylvania; to engage *de novo* through its subsidiary, PNC Asset Management Corp., Pittsburg, Pennsylvania, in providing asset management services to banks and savings associations, the Resolution Trust Corporation (RTC), and Federal Deposit Insurance Corporation (FDIC), respectively, in their capacities as receivers or conservators of banks and savings associations, unaffiliated third-party investors who acquire assets from the RTC or FDIC in their capacities as receivers or conservators and unaffiliated financial and non-financial

institutions generally which originate or hold troubled assets. The Board has previously approved these activities for bank holding companies. *See The Dai-Ichi Kangyo Bank, Ltd./Chemical Banking Corporation*, 79 Federal Reserve Bulletin 131 (1992).

Board of Governors of the Federal Reserve System, June 1, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-13291 Filed 6-4-93; 8:45 am]

BILLING CODE 6210-01-F

Whitaker Bank Corporation of Kentucky; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 28, 1993.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Whitaker Bank Corporation of Kentucky, Lexington, Kentucky; to engage *de novo* in providing to others data processing and data transmission services, facilities (including data processing and data transmission hardware, software, documentation or operating personnel), data bases, or access to such services, facilities, or data bases, pursuant to § 225.25(b)(7) of the Board's Regulation Y. The proposed activities will be conducted in the Commonwealth of Kentucky.

Board of Governors of the Federal Reserve System, June 1, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-13292 Filed 6-4-93; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Clinical Laboratory Improvement Advisory Committee (CLIAC) Subcommittee on Test Categorization; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following committee meeting.

Name: CLIAC Subcommittee on Test Categorization.

Time and Date: 8 a.m.–5 p.m., June 22, 1993.

Place: Holiday Inn Decatur Conference Plaza, 130 Clairemont Avenue, Decatur, Georgia 30030.

Status: Open to the public, limited only by the space available.

Purpose: The subcommittee advises CLIAC on revisions to the list of waived tests and the categorization of tests of moderate and high complexity.

Agenda: The topic for discussion will be the criteria and process used in the categorization of waived tests. The agenda will not include consideration of requests to waive specific tests.

Written comments are welcome and should be received by the contact person listed below no later than 12 noon on June 17, 1993. Copies of comments that are germane to the topics on the agenda will be supplied to the subcommittee members for review prior to the meeting. Public oral comments will be accepted at the discretion of the Chairman at the close of the meeting if time permits.

Agenda items are subject to change as priorities dictate.

Contact Person for Additional Information: D. Joe Boone, Ph.D., Assistant Director for Science, Division of Laboratory Systems, Public Health Practice Program Office, CDC, 1600 Clifton Road NE., Mailstop G–25, Atlanta, Georgia 30333, telephone 404/639–1706.

Dated: June 1, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–13284 Filed 6–4–93; 8:45 am]

BILLING CODE 4160–18–M

Savannah River Site Environmental Dose Reconstruction Project; Public Meetings

The National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC), announces the following meetings.

Name: Savannah River Site Environmental Dose Reconstruction Project.

Date: June 28, 1993

Time: 7 p.m.–9 p.m.

Place: Holiday Inn, US 21 and Lovejoy Street, Beaufort, South Carolina 29902

Date: June 29, 1993

Time: 7 p.m.–9 p.m.

Place: Winton Inn, 1003 Marlboro Avenue, Barnwell, South Carolina 29812

Date: June 30, 1993

Time: 7 p.m.–9 p.m.

Place: Radisson Plaza Savannah, 100 General McIntosh Boulevard, Savannah, Georgia 31401

Status: Open to the public for observation and comment, limited only by space available. Seating space for 50 individuals will be available at each meeting.

Purpose: Under a Memorandum of Understanding with the Department of Energy (DOE), the Department of Health and Human Services has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and uses.

The meetings will provide an update on the status of Phase I: Data Assessment and Retrieval of the Savannah River Site (SRS) Dose Reconstruction study. The objective of Phase I is to locate, evaluate, and catalog historical records that can be used to reconstruct contaminant releases and public exposures from the SRS. Agenda items will include: The document review process and findings to date; a demonstration of the computerized document database; and public comments and suggestions.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Paul Renard, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway, NE., (F–

35), Atlanta, Georgia, 30341–3724, telephone 404/488–7040.

Dated: May 28, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–13286 Filed 6–4–93; 8:45 am]

BILLING CODE 4160–18–M

National Committee on Vital and Health Statistics (NCVHS) Subcommittee on Mental Health Statistics; Meeting

Pursuant to Public Law 92–463, the National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC), announces the following committee meeting.

Name: NCVHS Subcommittee on Mental Health Statistics.

Times and Dates: 9:30 a.m.–3:30 p.m., July 6, 1993. 9:30 a.m.–3:30 p.m., July 7, 1993.

Place: Room 337A–339A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open.

Purpose: The subcommittee will examine children's mental health data collection activities within the government, focusing on epidemiological and services data.

Contact Person for More Information: Substantive program information as well as summaries of the meeting and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, NCHS, room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone number 301/436–7050.

Dated: May 28, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–13285 Filed 6–4–93; 8:45 am]

BILLING CODE 4160–18–M

Health Care Financing Administration

[BPD–758–CN]

RIN 0938–AF82

Medicare Program; Fee Schedule for Physicians' Services for Calendar Year 1993

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of final notice with comment period.

SUMMARY: This document corrects technical errors that appeared in the final notice with comment period published in the **Federal Register** on November 25, 1992 (57 FR 55914) entitled "Medicare Program; Fee Schedule for Physicians' Services for Calendar Year 1993."

EFFECTIVE DATE: January 1, 1993.

FOR FURTHER INFORMATION CONTACT: Cynthia Read, (410) 966–4586.

SUPPLEMENTARY INFORMATION: In **Federal Register** Document [92–28186] beginning on page 55914, in the issue of November 25, 1992, make the following corrections:

A. Page 55914

In column 1, under the heading "Comment Date," "January 25, 1992," the closing date of the comment period, is corrected to read "January 26, 1993." The intended date was January 25, 1993. While the January 25, 1993 date is correct for purposes of allowing our usual 60-day comment period, the January 26, 1993 date was inadvertently announced in column 1 on page 55915. Since the inconsistency results in a delay of only one day for receipt of comments, we will consider all comments received by 5 p.m. on January 26, 1993.

B. Page 55915, Table of Contents

In III.C.3., the code "90315" is corrected to read "93015."

C. Pages 55920 through 55934, Table 1

1. On page 55920, for CPT code 17284, the "Basis for Decision" is corrected to read "2."

2. On page 55920, the following code is added in numerical order:

Code	Description	1992 Work RVUs	Requested work RVUs	1993 Work RVUs	Basis for decision
21422	Repair, mouth roof fracture	8.2		X	3

3. On page 55928, the following code is removed:

Code	Description	1992 Work RVUs	Requested work RVUs	1993 Work RVUs	Basis for decision
54520	Removal of testis	5.19	5.05	X	3

4. Beginning on page 55930 and ending on page 55934, the 1993 work RVU entries for the following codes are corrected to read "X," meaning we made no change in the RVUs as a result of the 1992 refinement process: 62280, 62284, 65112, 67036, 67107, 67108, 67141, 67145, 90830, 92982, 93321, 93511, 93620, and 93882.

D. Page 55941

In column 2, in the paragraph designated (8), in the last three sentences, the word "cholecystectomy" is corrected to read "cholangiography."

E. Page 55943

1. In column 1, in the paragraph designated (2), the reference to "Table 2" is corrected to read "Table 3."

2. In column 3, in the paragraph designated (A), the code "66512" in the last line is corrected to read "65112."

F. Page 55945

In column 3, in the paragraph designated (11), the codes at the end of the paragraph are corrected to read as follows:

93546 = 93510 + 93543
93547 = 93510 + 93543 + 93545
93548 = 93510 + 93543 + 93544 + 93545
93549 = 93526 + 93543 + 93545
93550 = 93526 + 93543 + 93545 + 93551
93552 = 93510 + 93543 + 93545 + 93551
93553 = 93510 + 93543 + 93544 + 93545 + 93551

G. Page 55947

In column 1, in the paragraph designated (p), the paragraph heading is corrected to read "Osteopathic manipulation (Alpha-numeric HCPCS codes M0704 and M0728)." In the last line of this paragraph (p), the code "M0708" is corrected to read "M0728."

H. Page 55948, Table 2

Code "21550" is corrected to read "20550."

I. Page 55951

In column 1, in the first table, for code 99255, the work RVUs of "3.02" are corrected to read "3.03."

J. Pages 55954 through 55956, Table 3

1. On page 55954, for code 27538, the asterisk is removed since the code is not a new code.

2. On page 55954, the following code is added in numerical order:

HCPCS+	MOD	Description	RUC recommended work RVUs	HCFA decision
27558*		Repair of knee dislocation	24.97	decreased.

3. On page 55955, an asterisk is added after code 33800 because it is a new code.

4. On page 55956, an asterisk is added after code 56354 because it is a new code.

K. Page 55964

In column 2, in the paragraph designated d., in the 20th line from the bottom of the page, code "37305" is corrected to read "37205."

L. Page 55966

1. In column 3, in the paragraph designated (15), in the fifth sentence and in the last sentence, the phrase "final work RVUs" is corrected to read "interim work RVUs."

2. In column 3, before the heading for the last paragraph, "Miscellaneous Codes," the number "7" is corrected to read "17."

M. Page 55970

In column 1, in the paragraph designated (6), in the third paragraph under this section, in the first sentence, the word "analyze" is corrected to read "analysis."

N. Page 55971

In column 1, in the first full paragraph, in the first sentence, "CY 1996" is corrected to read "CY 1993."

O. Page 55981

1. In column 3, at the end of the paragraph carried over from column 2, the bracketed heading is moved to the next line.

2. In column 3, at the end of the fifth paragraph, the bracketed heading is moved to the next line.

P. Page 55982

1. In column 1, at the end of the paragraph carried over from the preceding page, the bracketed heading is moved to the next line.

2. In column 1, at the end of the second paragraph, the bracketed heading is moved to the next line.

3. In column 1, in the fourth full paragraph, at the end of the paragraph, the following sentence is added: "Therefore, we have established technical and professional components for this code."

4. In column 1, the fifth full paragraph is removed.

5. In column 2, at the end of the paragraph carried over from column 1, the bracketed heading is moved to the next line.

6. In column 2, in the second full paragraph, the last sentence is corrected to read: "Therefore, the practice and malpractice expense RVUs for the PC of code 93350 have been revised."

7. In column 3, in the second full paragraph, the second sentence is corrected to read as follows: "The practice expense RVUs for services that are routinely furnished in physicians' offices were based on office charge data only."

Q. Page 55988

In column 2, before the heading "New Codes," the number "3." is added.

R. Pages 56033 through 56148, Addendum B

1. On page 56033, the following codes are corrected to read:

Code	MOD	Status	Description	Work RVUs	Practice expense RVUs	Malpractice RVUs	Total RVUs	Global fee period	Surgical/nonsurgical update
35459		A	Repair arterial blockage	8.85	10.65	1.73	21.23	000	S
35470		A	Repair arterial blockage	8.85	10.65	1.73	21.23	000	N

2. On page 56053, the following code is corrected to read:

Code	MOD	Status	Description	Work RVUs	Practice expense RVUs	Malpractice RVUs	Total RVUs	Global fee period	Surgical/nonsurgical update
56302		A	Laparoscopy, surgical	4.21	6.33	1.35	11.89	010	S

3. On page 56067, the following code is corrected to read:

Code	MOD	Status	Description	Work RVUs	Practice expense RVUs	Malpractice RVUs	Total RVUs	Global fee period	Surgical/non-surgical update
69300		R	Revise external ear	0.00	0.00	0.00	0.00	YYY	0

4. On page 56118, the following code is added in numerical order:

Code	MOD	Status	Description	Work RVUs	Practice expense RVUs	Malpractice RVUs	Total RVUs	Global fee period	Surgical/non-surgical update
93015	26	A	Cardiovascular stress test.	0.76	0.79	0.06	1.61	XXX	N

5. On page 56121, the following code is corrected to read:

Code	MOD	Status	Description	Work RVUs	Practice expense RVUs	Malpractice RVUs	Total RVUs	Global fee period	Surgical/non-surgical update
93760		N	Cephalic thermogram	0.00	0.00	0.00	0.00	XXX	0

6. On page 56122, the following codes are corrected to read:

Code	MOD	Status	Description	Work RVUs	Practice expense RVUs	Malpractice RVUs	Total RVUs	Global fee period	Surgical/non-surgical update
93760	TC	N	Cephalic thermogram	0.00	0.00	0.00	0.00	XXX	0
93760	26	N	Cephalic thermogram	0.00	0.00	0.00	0.00	XXX	0
93762		N	Peripheral thermogram	0.00	0.00	0.00	0.00	XXX	0
93762	TC	N	Peripheral thermogram	0.00	0.00	0.00	0.00	XXX	0
93762	26	N	Peripheral thermogram	0.00	0.00	0.00	0.00	XXX	0

7. On page 56123, the following codes are corrected to read:

Code	MOD	Status	Description	Work RVUs	Practice expense RVUs	Malpractice RVUs	Total RVUs	Global fee period	Surgical/non-surgical update
93980		A	Penile vascular study	1.34	4.25	0.45	6.04	XXX	N
93980	26	A	Penile vascular study	1.34	0.84	0.07	2.25	XXX	N
93981		A	Penile vascular study	0.66	3.55	0.39	4.60	xXX	N
93981	26	A	Penile vascular study	0.66	0.41	0.03	1.10	XXX	N

8. On page 56124, the following code is corrected to read:

Code	MOD	Status	Description	Work RVUs	Practice expense RVUs	Malpractice RVUs	Total RVUs	Global fee period	Surgical/non-surgical update
95010		A	Sensitivity skin tests	0.15	0.11	0.01	0.27	XXX	N

9. On page 56128, code 99050 is corrected to read:

Code	MOD	Status	Description	Work RVUs	Practice expense RVUs	Malpractice RVUs	Total RVUs	Global fee period	Surgical/non-surgical update
99050		B	Medical services after hrs.	0.00	0.00	0.00	0.00	XXX	0

10. On page 56142, for code J1245, the status code is corrected to read "C."
11. On page 56147, the following codes are added in alpha-numerical order:

Code	MOD	Status	Description	Work RVUs	Practice expense RVUs	Malpractice RVUs	Total RVUs	Global fee period	Surgical/non-surgical update
Q0105		C	Low osmolar contrast material, (100–199 MGS).	0.00	0.00	0.00	0.00	XXX	N
Q0106		C	Low osmolar contrast material, (200–299 MGS).	0.00	0.00	0.00	0.00	XXX	N
Q0107		C	Low osmolar contrast material, (300–399 MGS).	0.00	0.00	0.00	0.00	XXX	N

12. On page 56148, for code V2520, the status is corrected to read "P."

(Section 1848 of the Social Security Act (42 U.S.C. 1395w–4))

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: May 27, 1993.

Neil J. Stillman,

Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 93–13323 Filed 6–4–93; 8:45 am]

BILLING CODE 4120–01–P

National Institutes of Health

Privacy Act of 1974; New System of Records

AGENCY: Public Health Service, HHS.

ACTION: Notification of a new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a notice of a new system of records, 09–25–0170, "Diabetes Control and Complications Trial (DCCT) Data System, HHS/NIH/NIDDK." We are also proposing routine uses for this new system.

DATES: PHS invites interested parties to submit comments on the proposed internal and routine uses on or before July 7, 1993. PHS has sent a report of a New System to the Congress and to the Office of Management and Budget (OMB) on May 26, 1993. PHS has requested that OMB grant a waiver of the usual requirement that a system of records not be put into effect until 60 days after the report is sent to OMB and Congress. If this waiver is granted, PHS will publish a notice to that effect in the **Federal Register**. The routine uses will be effective 30 days after the date of publication unless PHS receives comments which would result in a contrary determination.

ADDRESSES: Please submit comments to: NIH Privacy Act Officer, Building 31, Room 3B03, 9000 Rockville Pike, Bethesda, MD 20892, 301–496–2832.

Comments received will be available for inspection at this same address from 9 a.m. to 3 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Director, Diabetes Clinical Trials Program, DPB, DDEM, National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), National Institutes of Health, Westwood Building, room 628, 5333 Westbard Avenue, Bethesda, Maryland 20892, 301–496–7645.

The numbers listed above are not toll free.

SUPPLEMENTARY INFORMATION: The National Institutes of Health (NIH) proposes to establish a new system of records: 09–25–0170, "Diabetes Control and Complications Trial (DCCT) Data System HHS/NIH/NIDDK." The DCCT, supported under cooperative agreements, is a prospective, randomized, multicenter clinical trial with a projected conclusion in 1993. The trial was designed to compare the effects of intensive insulin therapy with the effects of conventional therapy on the early microvascular complications of insulin-dependent diabetes mellitus. This system of records will contain the data generated from the DCCT and will be used by NIH to: (1) Conduct follow-up studies (projected follow-up of 7–10 years) on the morbidity and mortality experiences of DCCT participants; and (2) provide relevant demographic, health and medical record data on DCCT participants to biomedical researchers authorized to use DCCT information and stored biologic materials.

The system will comprise records that contain (1) participant names, addresses, phone numbers; Social Security numbers (voluntary), phone numbers, driver's license numbers, employer information, spouse names, study identification numbers, names of medical provider, medical record identification numbers, health and medical record data collected during the DCCT and follow-up studies; and the names, addresses and phone numbers of acquaintances and relatives to assist in follow-up; and (2) information pertaining to DCCT stored biologic specimens (including blood, urine and genetic materials).

The amount of information recorded on each individual will be only that which is necessary to accomplish the purposes of the system. Records are established from forms submitted to NIH contractors by the individual, participating DCCT clinical centers, DCCT central laboratories and reading centers, and selected subcontractors.

The records in this system will be maintained in a secure manner compatible with their content and use. NIH and contractor staff will be required to adhere to the provisions of the Privacy Act and the HHS Privacy Act Regulations. The System Manager will control access to the data. Only authorized users whose official duties require the use of such information will have regular access to the records in this system. Authorized users are HHS employees, employees of the DCCT Data Coordinating Center and Central Biochemistry Laboratory, and other contractors responsible for implementing the data system. Researchers authorized to conduct research on biologic specimens will have access to the system through the use of encrypted identifiers sufficient to link individuals with records in such a manner that does not compromise confidentiality of the individual.

Records will be stored in file folders, computer tapes, computer diskettes, microfiche, and file cards. Manual and computerized records will be maintained in accordance with the

standards of Chapter 45–13 of the HHS General Administration Manual, "Safeguarding Records Contained in Systems of Records," supplementary Chapter PHS hf: 45–13, the Department's Automated Information System Security Program Handbook, and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

Data stored in computers will be accessed through the use of keywords known only to authorized users. Rooms where records are stored are locked when not in use. During regular business hours, rooms are unlocked but are controlled by on-site personnel.

The routine uses proposed for this system are compatible with the stated purposes of the system. The first routine use permitting disclosure to a congressional office is proposed to allow subject individuals to obtain assistance from their representatives in Congress, should they so desire. Such disclosure would be made only pursuant to a request of the individual. The second routine use allows disclosure to the Department of Justice to defend the Federal Government, the Department, or employees of the Department in the event of litigation. The third routine use allows disclosure to contractors and subcontractors for the purpose of processing, maintaining and refining records in the system. Contracting for such services is advisable because the agency lacks necessary internal resources and because processing or refining the records under contract will be cost-effective. The contractors will maintain and will be required to ensure that subcontractors maintain Privacy Act safeguards with respect to such records. The fourth routine use permits disclosure of a record for an authorized research purpose under specified conditions. The fifth routine use allows disclosure to a private, State, local or other Federal agency, or third parties for the purposes of obtaining vital status and locator information necessary for conducting the follow-up study.

The following notice is written in the present, rather than future tense, in order to avoid the unnecessary expenditure of public funds to republish the notice after the system has become effective.

Dated: May 28, 1993.

Wilford J. Forbush,

Director, Office of Management.

09–25–0170

SYSTEM NAME:

Diabetes Control and Complications Trial (DCCT) Data System, HHS/NIH/NIDDK.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Diabetes Clinical Trials Program Office, Division of Diabetes, Endocrinology and Metabolic Diseases, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Westwood Building, Room 628, Bethesda, Maryland 20892.

DCCT Data Coordinating Center (Contractor), Biostatistics Center, George Washington University, 6110 Executive Boulevard, Suite 750, Rockville, MD 20852.

DCCT Central Biochemistry Laboratory (Subcontractor), University of Minnesota Hospital and Clinic, Box 198, Harvard Street at East River Road, Minneapolis, Minnesota 55455–9980.

A list of all contractor/subcontractor locations is available upon request from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who participated in the Diabetes Control and Complications Trial (DCCT) and are continuing in follow-up studies and family members of these participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Participant names, addresses, phone numbers; Social Security numbers (voluntary), phone numbers, driver's license numbers, employer information, spouse names, study identification numbers, names of medical provider, medical record identification numbers, health and medical record data collected during the DCCT and follow-up studies; the names, addresses and phone numbers of acquaintances and relatives to assist in follow-up; and information pertaining to DCCT stored biologic specimens (including blood, urine and genetic materials).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301(a) of the Public Health Service (PHS) Act (42 U.S.C. 241(a)), describing the general powers and duties of the public Health Service relating to research and investigation, and section 426 of the PHS Act (42 U.S.C. 285c) describing the purpose of the National Institute of Diabetes and Digestive and Kidney Diseases to conduct research with respect to, among other areas, diabetes mellitus.

PURPOSE(S)

These records are used to: (1) Conduct follow-up studies (projected follow-up of 7–10 years) on the morbidity and mortality experiences of DCCT participants; and (2) provide relevant demographic, health and medical record data on DCCT participants to biomedical researchers authorized to use DCCT information and stored biologic materials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to affect directly the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Department of Justice has agreed to represent such employee, for example, is defending a claim against the Public Health Service, based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

3. NIH may disclose records to Department contractors and subcontractors for the purpose of collecting, compiling, aggregating, analyzing, or refining records in the system. Contractors maintain, and are also required to ensure that subcontractors maintain, Privacy Act safeguards with respect to such records.

4. A record may be disclosed for a research purpose, when the Department: (A) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (B) has determined that the research purpose (1) cannot be

reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law; (D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

5. Information from this system may be disclosed to Federal agencies, State agencies (including the Motor Vehicle Administration and State vital statistics offices, private agencies, and other third parties (such as current or prior employers, acquaintances, relatives), in order to obtain information on morbidity and mortality experiences and to locate individuals for the follow-up studies. Social Security numbers may be disclosed: (1) To the National Center for Health Statistics to ascertain vital status through the National Death Index; (2) to the Health Care Financing Agency to ascertain morbidities; and (3) to the Social Security Administration to ascertain disabilities and/or location of participants. Social Security numbers may also be given to other Federal agencies, and State and local agencies for purposes of locating individuals for participation in follow-up studies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored in file folders and computer tapes and diskettes, microfiche, and file cards.

RETRIEVABILITY:

Records are retrieved by name, Social Security number, or other identifying numbers, keywords, and parameters of individual patient health or medical record data.

SAFEGUARDS:

1. *Authorized users:* Data on computer files is accessed by keyword known only to authorized users who are NIH or contractor employees who have a need for the data in performance of their duties as determined by the system manager. Researchers authorized to conduct research on biologic specimens will have access to the system through the use of encrypted identifiers sufficient to link individuals with records in such a manner that does not compromise confidentiality of the individual. Access to information is thus limited to those with a need to know.

2. *Physical safeguards:* Records and data tapes are stored in locked files in secured areas with restricted access. During regular business hours rooms are unlocked but are controlled by on-site personnel. Terminal access is controlled by user ID and keywords; off-site data backup is maintained in a separate building; fire protection is maintained by an on-site fire extinguisher system and fire alarm system present in the computer room.

3. *Procedural and technical safeguards:* Names and other identifying particulars are deleted when data from original records are encoded for analysis. Data stored in computers is accessed through the use of keywords known only to authorized users. A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs (see Authorized Users, above) protect information from public view and from unauthorized personnel entering an unsupervised office. Contractors and subcontractors who maintain records in this system are instructed to make no further disclosure of the records except as authorized by the System Manager and permitted by the Privacy Act. Privacy Act requirements are specifically included in contracts and in agreements with grantees or collaborators participating in research activities supported by this system. HHS project directors, contract officers, and project officers oversee compliance with these requirements.

These practices are in compliance with the standards of Chapter 45–13 of the HHS General Administration Manual, "Safeguarding Records Contained in Systems of Records," supplementary Chapter PHS hf: 45–13, and the Department's Automated Information System Security Program Handbook, and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—"Keeping and Destroying Records" (HHS Records Management Manual, Appendix B–361), item 3000–G–3(b), which allows records to be kept as long as they are useful in scientific research. Refer to the NIH Manual Chapter for specific disposition instructions.

SYSTEM MANAGER AND ADDRESS:

Director, Diabetes Clinical Trials Program, Diabetes Programs Branch, Division of Diabetes, Endocrinology and Metabolic Diseases, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Westwood Building, Room 628, 5333 Westbard Avenue, Bethesda, Maryland 20892.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the System Manager listed above. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine. The request should include: (a) Full name, and (b) appropriate dates of participation.

Individuals who request notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify their relationship to the child/incompetent person as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Write to the System Manager specified above to attain access to records and provide the same information as is required under the Notification Procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request an accounting of disclosure of their records, if any.

CONTESTING RECORD PROCEDURES:

Contact the System Manager specified above and reasonably identify the record, specify the information to be contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Subject individual; patient health and medical record data; data generated from the DCCT; Federal, State and local agencies (including the Social Security Administration), and if the person is deceased, from the National Death Index, and/or family members and other knowledgeable third persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 93-13329 Filed 6-4-93; 8:45 am]

BILLING CODE 4140-01

Substance Abuse and Mental Health Services Administration

Cooperative Agreements for Managed Care Demonstration Models for SSI Beneficiaries Disabled Due to Addiction to Alcohol and Other Drugs

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of availability of funds.

INTRODUCTION: The Center for Substance Abuse Treatment (CSAT), in cooperation with the Social Security Administration (SSA), is soliciting State applications for model programs designed for the referral and monitoring (R&M) of Supplemental Security Income (SSI) recipients disabled due to drug addiction or alcoholism (DA&A). The goal of this cooperative agreement demonstration is to maximize substance abusers' opportunities for rehabilitation and assure the effective utilization of Federal resources. Under the Social Security Act (section 1611(e)(3)(A)), SSI recipients who are medically determined to be disabled due to DA&A must, as a condition of their eligibility:

- Undergo treatment if such treatment is appropriate and available
- Demonstrate that they are complying with terms, conditions, and requirements of such treatment
- Receive SSI payments through a representative payee

The purpose of this project is the demonstration of model referral and monitoring programs, that will address three specific objectives:

- Ensure that every potential SSI Disability recipient, who is addicted to drugs or alcohol, is identified and assisted in filing for disability benefits
- Develop a uniform procedure for referral and monitoring of drug abuse and alcoholism benefit recipients that can be applied in every State
- Ensure the identification of individuals or agencies that are qualified, willing, and available to serve as representative payees.

CSAT is undertaking this cooperative agreement in its role of "promoting the coordination of service programs conducted by other departments, agencies, organizations and individuals that are or may be related to the problems of individuals suffering from mental illness or substance abuse, including liaisons with the Social Security Administration * * * as appropriate", under statutory authority of Sections 501 and 510 (a) and (b) of the ADAMHA Reorganization Act as enacted by Public Law 102-321, and under section 1110 of the Social Security Act. Awards will be made only to the State DA&A Agencies, in accordance with this authority, and only for implementation of R&M models that address the goals and specifications contained in this announcement.

It is estimated that approximately $3 million will be available to support approximately 1-5 awards under this Request for Applications (RFA) in FY 1993. Actual funding levels will depend upon the availability of appropriated funds.

Support may be requested for a demonstration period of up to 3 years. Support for years 2-3, of an approved cooperative agreement demonstration, is contingent on the availability of future fund appropriations for this program.

This award cannot be used to supplant any funding available through a current R&M contract with the Social Security Administration. Any such funding will be suspended during the demonstration period.

A demonstration may include provisions to increase availability of treatment services. This amount may not exceed 20% of the award.

The Public Health Service (PHS) is committed to achieving the health promotion and diseases prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. This cooperative agreement, Managed Care Models for SSI Beneficiaries Disabled Due to Addiction to Alcohol and Other Drugs, is directly related to the priority area on Alcohol and Other Drugs. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017-001-00474-0; or Summary Report: Stock No. 017-001-00473-1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402-9325 (Telephone: 202-783-3238).

RECEIPT DATE: The deadline for the receipt of applications under this RFA is July 30, 1993. Applications must be received by United Information Systems at the address below on or before the deadline date. However, an application received after the receipt deadline may be acceptable if it carries a legible proof-of-mailing date assigned by the carrier and the proof-of-mailing date is not later than one week prior to the deadline date. If the receipt date falls on a weekend, it will be extended to Monday, if the date falls on a holiday, it will be extended to the following work day.

CONSEQUENCES OF LATE SUBMISSION: Applications received after the above receipt date will not be accepted and will be returned to the applicant without review.

ADDRESSES: Grant application kits (including Form PHS 5161-1, Rev. 7/92, with Standard Form 424, complete application procedures, and accompanying guidance materials for the narrative approved under OMB No 0937-0189) may be obtained from:

United Information Systems, Inc., 3206 Tower Oaks Boulevard, 4th Floor, Rockville, MD 20852, Attn: CSAT Demonstration Programs, (301) 984-4222.

Completed applications must be sent to United Information Systems at the same address as above, Attention: CSAT Demonstration Programs.

FOR FURTHER INFORMATION: For program issues: George Kanuck, Acting Branch Chief, Treatment Operations and Review Branch, Center for Substance Abuse Treatment, Rockwall II, Suite 880, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-3820.

For grants management issues: Christine Chen, Grants Management

Office, Center for Substance Abuse Treatment, Rockwall II, 10th Floor, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–9665.

SUPPLEMENTARY INFORMATION:

Cooperative Agreements

Cooperative Agreements entail substantial programmatic involvement by CSAT above and beyond the levels required for traditional grant management, to include CSAT participation in policy development and program structure, and CSAT approval of contracts/spending plans. CSAT and SSA staff involvement post-award may include: Refining the overall program design; approval of spending plans; approval of key staff; provision of technical assistance; promoting exchange of relevant information among selected referral and monitoring agencies (RMAs); contributing guidance to enhance the potential replication of the model by other States; participating in and/or providing support services for training, evaluation, and data collection; arranging for conferences designed to support the activities of the individual cooperative agreements; and membership on policy steering groups and other working groups established to facilitate accomplishment of the demonstration goals

Program Goals

The overall goals of this demonstration are: to develop a model program to reach as many substance abusers as possible; to provide for their medical recovery; and to provide for their vocational rehabilitation. Specifically the demonstration will:

- Evaluate the effectiveness of an aggressive referral and monitoring program that would: identify potential DA&A recipients; complete field office in-take forms; obtain medical evidence; assist applicants with the disability application process; provide assurance of a responsible representative payee; and coordinate with vocational rehabilitation.
- Identify effective treatment modalities, maximizing referral and opportunities for recovery.
- Develop criteria to assist in determining what constitutes failure to comply with treatment that effectively and humanely deals with relapse as an inherent characteristic of addiction.
- Evaluate expanding treatment sources through increased Medicaid services for substance abusers.
- Develop a more effective and defined R&M process to assure uniform service delivery on a State-wide basis.
- Standardize those activities required to refer and monitor DA&A recipients.
- Enhance the treatment success rate through the use of central intake assessments.
- Assure the cost-effectiveness of RMA operations through standardized productivity measures.
- Improve policy and management through revised workload, fiscal and administrative reporting requirements.
- Evaluate the effectiveness of having the RMA or treatment source serve as the representative payee.

Eligibility

Eligibility, for this cooperative agreement demonstration, will be limited to the following States who currently have SSA R&M contracts: .

Arizona
California
Hawaii
Illinois
Indiana
Maryland
Michigan
Minnesota
Mississippi
Montana
Nebraska
Nevada
New Jersey
New York (excluding NYC)
Ohio
Pennsylvania
Tennessee
Washington
Wisconsin

Eligibility is limited to these States because the demonstration projects must build on the expertise and systems already established by existing RMA contracts with the Social Security Administration. In keeping with CSAT's practice of working closely with the States to ensure coordination and synergy between State and Federal funding efforts, eligibility for this cooperative agreement demonstration is limited to the Single State Agency for DA&A of those States listed above. The State DA&A Agency will work cooperatively with any other State Agency involved with the provision of R&M services, however, the State DA&A Agency will be considered the applicant. Applications will also be accepted from consortia of neighboring States in a region, providing that one Single State Agency for DA&A be designated as the grantee for the cooperative agreement award and the legal signatory.

In addition, the applicant must have a letter of agreement from the State Department of Vocational Rehabilitation specifying the terms of their commitment to participate in the demonstration.

A demonstration may be for an RMA serving the entire State or for a defined area of an RMA's service area, such as a particular region in the State/consortia or population sample.

R&M Basic Services

All demonstrations must provide the following standard services:

- Interviewing DA&A–SSI recipients.
- Evaluating recipient treatment needs.
- Informing recipient of the process and recipient's responsibilities.
- Determining the most effective treatment resource.
- Referring recipient to community treatment facility.
- Ensuring recipient begins treatment activity.
- Monitoring and following up on referrals.
- Effectively dealing with treatment refusal and relapse.
- Informing SSA of recipient who requires suspension of benefits.
- Referring recipient to needed vocational rehabilitation services.
- Maintaining individual recipient case files.
- Providing program data, fiscal, and administrative reports.

Special Requirements

The applicant is instructed to use the models, provided in the application kit, as a guide. The development of innovative approaches is encouraged. Specifically the demonstration must include:

- Outreach to potential beneficiaries.
- Collaboration with SSA by providing supportive documentation to assist in disability determination and may include an expanded role in completing the SSA–3368, securing medical evidence and the use of presumptive disability.
- Linkages with treatment facilities, Vocational Rehabilitation, Medicaid, and transportation.
- Regionalized central intake, as needed, to provide State-wide service.
- At least one State applicant, selected to be funded, must provide for assumption of representative payee responsibility by either the RMA or the treatment provider.
- Case managers trained in working with DA&A beneficiaries in the areas of assessment, treatment referral, compliance, and relapse.
- Computerized case management and data base, such as the one used by the R&M Agency in the State of Washington, (a diskette will be mailed with each application kit).

• Alternative approaches to providing representative payee function.

• Specific plan to increase availability of treatment services, if any of the funds are to be used for direct treatment (not to exceed 20% of award).

• Evaluation plan.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Intergovernmental Review (E.O. 12372)

Applications submitted in response to this announcement are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR part 100. E.O. 12372 sets up a system for State and local government review of and comment on applications for Federal financial assistance. Applicants should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application and to receive any necessary instructions on the State's applicable procedure. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application kit. The SPOC should send any State process recommendations to the following address: Peer Review Branch, Office of Scientific Analysis and Evaluation, Center for Substance Abuse Treatment, 5600 Fishers Lane, Rockwall II Building, 10th Floor, Rockville, MD 20857, Attn: SPOC.

The due date for state process recommendations is no later than 60 days after the deadline date for the receipt of applications.

CSAT does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Review Process

Applications submitted in response to this RFA will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures for grants. Applications that are accepted for review will be assigned to an Initial Review Group composed primarily of non-Federal experts.

Review Criteria

Applicants' proposed R&M models, for this cooperative agreement demonstration, will be reviewed, rated, and ranked according to the relevance of the model to the goals of the demonstration. Emphasis will be placed on the extent to which the proposed R&M process constitutes a "model" approach with applicability and replicability elsewhere. Criteria for technical merit review of individual models will include the following:

• Extent of coordination with the State SSI program and relevant State and/or local drug and alcohol abuse prevention, treatment, and rehabilitation programs. There must be documentation of specific commitments and support from those organizations with which the applicant will be coordinating.

• Extent to which managed care services and outreach are directed toward the target population referenced in this RFA.

• Extent to which the assumption of the representative payee function by the RMA or treatment source is specified and appropriately staffed.

• Extent to which the criteria used, to make a determination of non compliance and suspension of benefits, is defined and addresses issues of chronicity and relapse.

• Feasibility of the proposed model within the resources and time frames.

• Qualifications and experience of the project director and other key personnel.

• Appropriateness of budget estimates for the proposed activities.

• Clarity, feasibility, and appropriateness of evaluation plan.

• Extent of computerization of case management and data collection.

• Specificity of the plan to use any of the funding to increase availability of treatment services (not to exceed 20% of award).

Award Decision Criteria

Applications will be considered for funding on the basis of their overall technical merit as determined through the review process. Other award criteria will include:

• Geographical distribution of projects among the eligible States.

• Availability of funds.

Authority and Regulations

Cooperative agreements awarded under this announcement are authorized under section 501 (d) (18) and 510 (a) and (b) (1) and (5) of the ADAMHA Reorganization Act as enacted by Public Law 102–321, and under section 1110 of the Social Security Act.

Progress reports will be required and specified to awardees in accord with PHS Grants Policy requirements.

Grants must be administered in accordance with the PHS Grants Policy Statement (Updated September 1, 1991).

Federal regulations at title 45 CFR part 92, generic requirements concerning the administration of grants, are applicable to these awards.

The Catalog of Federal Domestic Assistance (CFDA) number for this cooperative agreement is 93.132.

Dated: June 1, 1993.

Joseph R. Leone,

Acting Deputy Administrator, Substance Abuse and Mental Health Services Administration.

[FR Doc. 93–13280 Filed 6–4–93; 8:45 am]

BILLING CODE 4162–20–P

Cooperative Agreements for Substance Abuse Treatment and Recovery Systems for Rural, Remote and Culturally Distinct Populations

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of availability of funds.

INTRODUCTION: The Center for Substance Abuse Treatment (CSAT) is announcing the availability of resources to support the creation of model systems of substance abuse and/or dependence, intervention, treatment and recovery services for rural, remote and culturally distinct populations (RRCDs). Under the auspices of this demonstration program, CSAT will support activities designed to improve the availability, accessibility and effectiveness of services for individuals with culturally distinct characteristics (e.g. Native Americans, Alaskan Natives, Native Hawaiians, recent immigrants and farm workers) and who also reside in areas that are rural, remote or geographically isolated. The mechanism of support will be cooperative agreements which entail involvement of CSAT staff in programmatic decisions above and beyond the levels required for traditional grants.

Program emphasis is on: (1) Linking and integrating efforts to detect and assess alcohol and other drug-related problems; (2) ensuring that an appropriate array of brief interventions, and treatment and recovery services are made available to individuals with such problems; and (3) fostering coordination among substance abuse treatment and recovery programs, health, housing, welfare, job training and community redevelopment programs and other related social programs and institutions, as well as the interdiction and legal systems (e.g. police, courts, jails).

It is estimated that approximately $5 million will be available to support 5 projects under this RFA in FY 93. Approximately half of the resources available under this announcement will be devoted to addressing the service needs of Native Americans (American

Indians and Alaska Natives), as consistent with interagency objectives established between the Center for Substance Abuse Treatment (CSAT) and the Indian Health Service (IHS).

Support may be requested for a project period of up to 5 years. Annual awards will be made subject to continued availability of funds and progress achieved.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national public health initiative. This Rural, Remote and Culturally Distinct Populations Demonstration Program is designed to facilitate achieving the Healthy People 2000 objectives established for Alcohol and Other Drugs (Chapter 4), HIV Infection (Chapter 18) and meeting the objectives outlined for Special Populations.

Potential applicants may obtain a copy of Healthy People 2000 (*Full Report*: Stock No. 017–001–00474–0; or SUMMARY REPORT: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone: 202–783–3238).

RECEIPT DATE: The deadline for the receipt of applications under this RFA is August 2, 1993. Applications must be received by United Information Systems at the address below on or before the deadline date. Applications shall be considered as meeting this deadline if they are received by 12 midnight of the receipt date. However, an application received after the deadline may be acceptable if it carries a legible proof-of-mailing date assigned by the carrier and the proof-of-mailing date is not later than 1 week prior to the deadline date. If the receipt date falls on a weekend, it will be extended to the following Monday; if the date falls on a national holiday, it will be extended to the following day.

CONSEQUENCES OF LATE SUBMISSION: Applications received after the above receipt date will not be accepted and will be returned to the applicant without review.

ADDRESSES: Grant application kits (including Form PHS 5161–1 (rev.7/92) with Standard Form 424, complete application procedures, and accompanying guidance materials for the narrative approved under OMB No. 0937–0189) may be obtained from: United Information Systems, Inc., 3206 Tower Oaks Boulevard, 4th Floor, Rockville, MD 20852, (301) 984–4222. Attn: CSAT Cooperative agreements for substance abuse treatment and recovery systems for rural, remote and culturally distinct populations.

Completed applications must be sent to United Information Systems at the same address as above.

FOR FURTHER INFORMATION:

For program issues: Special Projects Branch, Center for Substance Abuse Treatment, Rockwall II, 10th Floor, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–8802

For grants management issues: Christine Chen, Grants Management Officer, Center for Substance Abuse Treatment, Rockwall II, 10th Floor, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–9665.

SUPPLEMENTARY INFORMATION:

Cooperative Agreements

Cooperative Agreements entail substantial programmatic involvement by CSAT staff above and beyond the levels required for traditional grant program management, to include CSAT participation in policy development and program structure, and CSAT approval of contracts/spending plans. It should be emphasized that approval of an application for a Cooperative Agreement does not constitute Federal endorsement of every component of the application.

For awards made under this RFA, CSAT staff involvement may include: Refining the overall program design post-award; approval of spending plans; approval of key staff; provision of extensive technical assistance; promoting exchange of relevant information among the selected sites, including the facilitation of a learning community; contributing guidance to enhance the potential replication of results by other communities; participating in and/or providing support services for training, evaluation, and data collection; arranging for conferences designed to support the activities of the individual cooperative agreements; membership on policy steering groups and other working groups established to facilitate accomplishment of the project goals; and other involvement as warranted during all phases of project planning, implementation and operation.

Program Goals

The goals of the Rural, Remote and Culturally Distinct Populations Cooperative Agreement Demonstration Program are to:

- Enhance access to assessment and treatment for individuals who have alcohol and other drug problems who live in rural or geographically remote areas;
- Increase the effectiveness of treatment and recovery services in these areas;
- Foster coordination among assessment, treatment and recovery programs and related health, housing, welfare, training, criminal justice and other social programs and institutions (as a means of involving both alcohol and drug-involved individuals in treatment and achieving improved treatment outcomes); and
- Develop self-evaluation and management methods by which rural health and human service delivery systems can continually improve treatment outcomes.

Eligibility Requirements

Eligibility for this program is limited depending upon the system of governance for the target geographic area, as follows:

1. In areas that fall under the jurisdiction of a Federally-recognized Indian Tribal Authority, only the Tribal Authority is eligible to apply;
2. In areas that fall under the jurisdiction of State governments, only the Single State Agency(ies) for Alcohol and Drug Abuse (SSA) is(are) eligible to apply.[1]

The appropriate governing body, as defined above, must apply on behalf of a consortium of relevant State, Tribal and local officials and public and not-for-profit private entities who provide or have jurisdiction over: treatment and recovery services; primary health care; mental health services; social services; housing; job training; interdiction, and legal case processing, for each applicant jurisdiction. In developing consortia, Tribal Authorities and SSAs are encouraged to seek assistance and/or collaboration from private foundations and businesses with philanthropic interests in the target area.

Target areas may overlap more than one State or fall under the jurisdiction of more than one State or Tribal Authority. If this is the case, then all SSAs and Tribal Authorities with jurisdiction over the target area must apply as part of the applicant consortium.

Eligibility is restricted to Indian Tribal Authorities and State SSAs, acting in concert with State, Tribal and local health and allied health officials and public/nonprofit private service

[1] For purposes of this announcement, "State" is defined as the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the successor States to the Trust Territory of the Pacific Islands (the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau).

providers, in order to maximize the long-term benefits of these awards. It is anticipated that the high degree of inter-disciplinary involvement in these projects will facilitate planning and integration of services, as well as support of systemic improvements in selected sites after Federal support for the program is no longer available.

For each applicant area, the Tribal Authority or SSA must provide a letter of agreement as evidence of collaboration and involvement on the part of a consortium of appropriate Tribal, State and local officials, public/not-for-profit private entities, and IHS facilities involved in health and human service delivery in the target catchment area. Local officials are defined to include city, county, and/or regional officials, as appropriate, in cases where more than one governmental body has jurisdiction over the delivery of services in the affected site.

However, at a minimum, the consortium as defined in the letter of agreement that accompanies the application must include: The Tribal Authority or SSA (as appropriate, given the nature of the target jurisdiction), the chief health care official for the Tribe or State, the chief mental health care official for the Tribe or State, and the chief social service official for the Tribe or State. Applications that do not meet these requirements will not be accepted.

If the target area includes townships or counties, it would be preferable to include local officials (e.g. mayors and boards of supervisors) as part of the consortium. Applications that include letters of agreement and support from sub-state officials with responsibility for addiction treatment and recovery, health care, mental health care, HIV/AIDS prevention and treatment, social services and police/interdiction services for the involved area will be given consideration in the award process. Indeed, the degree to which these letters provide evidence of multi-disciplinary public/not-for-profit private collaboration will factor prominently in the review and award decision-making processes for this program (See Review and Award Criteria). The individuals whose signatures appear in the letter of collaboration, or their designees, will eventually form the nucleus of a policy steering committee that will be tasked with continuous project oversight during the term of the project. It is expected that the specifics of Policy Steering Committee membership and the extent of interagency collaboration among steering committee members will be decided during the first six months of the project post-award.

Applicants should consider all treatment and recovery programs that serve the needs of population(s) residing in the applicant target catchment area as appropriate for inclusion in a Cooperative Agreement under the auspices of this RFA. Participation in these Cooperative Agreements is demonstrative of a willingness to commit to active participation in the client assessment, referral, intervention, data collection and evaluation activities required for this program. In cases where application is being made for capacity expansion or creation of new treatment capacity, the affected providers of treatment and recovery services must be non-profit organizations, and the Tribal Authority or SSA must provide sufficient evidence that there is an infrastructure (facilities, qualified staff, equipment, etc.) upon which to build new capacity in a cost-effective manner.

Target Geographic Area and Populations

Other than costs specified under Terms and Conditions of Support, which may accrue to a government entity (e.g. Tribal Authority, State or County), funds awarded through these Cooperative Agreements are designed primarily to serve the needs of residents living in rural or frontier States and areas. For the purposes of this announcement, a rural area is defined to be an area located outside of a Metropolitan Statistical Area as defined by the Office of Management and Budget. A frontier county is a county with a population density of six or fewer persons per square mile.

Applicants are free to define the boundaries of the target catchment areas, or any portion thereof, provided the defined area meets one of the definitions of a rural area stated above. Applicants are encouraged to define the target catchment area in a manner that will help ensure project success given the limited volume of resources available under this RFA.

At the applicant's option, proposed activities may also draw on resources located in areas surrounding the boundaries of the target catchment area, if use of such resources will enhance services for those who reside within that catchment area. Support may therefore be requested in limited amounts for enhancement or expansion projects located in areas that are contiguous with the catchment area. However, the following conditions are requisite in order to justify extra-catchment area service enhancement or expansion: (1) The location of services outside the catchment area must be clearly more cost-effective than intra-catchment area services; (2) the focus of all extra-catchment area project activities must be for persons who live within the boundaries of the proposed catchment area; and (3) extra-catchment area services must be both effective and readily accessible to the population(s) which are to be the focus of the cooperative agreement.

The target populations which are to be the focus of any Cooperative Agreements funded under this RFA must consist of those individuals who meet all four of the following criteria: (1) Live or reside in a rural or geographically remote area; (2) have alcohol and/or drug problems; (3) are unemployed or under-employed, and for whom treatment must be subsidized through public means; and (4) are members of one or more of the following groups:

- American Indians or Alaskan Natives residing in the United States, including, but not limited to, all Federally recognized Indian Tribes;
- Native Hawaiians who reside in Hawaii; and
- First and second generation immigrants who reside in migrant farm worker communities.

Individuals who fit these criteria, regardless of gender or age, are considered appropriate for the focus of applicant proposals received under this RFA. Within each of these target populations, applicants are encouraged to propose projects that are attentive to individuals who have special treatment needs, including:

- Women with dependent children, (especially pregnant and post-partum women, their infants and children);[2]
- Adolescents, especially those at-risk of involvement or who are already involved with the child welfare (foster care) system;
- Individuals who are at risk for or who have acquired the human immunodeficiency virus (HIV), with special sensitivity expected, if appropriate, to the needs of individuals who are members of the gay and lesbian community;
- The homeless, especially chronic public inebriates;
- Those who suffer from diagnosable mental illness(es) in addition to alcohol and drug problems;

[2] In accordance with Section 510(b)(1) of the Public Health Service Act, as amended (42 U.S.C. 290bb–3), preference will be "given to such projects that provide treatment for substance abuse to women with dependent children, which treatment is provided in settings in which both primary health services for the women and pediatric care are available."

• Individuals involved in the juvenile and adult justice or interdiction systems;

• The elderly; and,

• Individuals covered under the Americans with Disabilities Act (e.g., those who are physiologically, developmentally or cognitively impaired).

Matching Funds

Matching funds are not required. However, since the award cannot be expected to cover all costs, applicants that can demonstrate additional support such as no cost space, or cash matching funds from their own revenues, private sources, or public entities including local and State contributions for the proposed project will receive consideration in CSAT's award decision making process (See Award Criteria). Documentation of the availability of non-Federal matching support for the proposed projects must be included in appendices to the application.

Review Criteria

Applications that are accepted for review will be assigned to an Initial Review Group (IRG) composed primarily of non-Federal experts.

Applications submitted in response to this RFA will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures for grants.

The following criteria will be included in the technical merit review of applications received under this RFA:

Degree of Need (Weight: 25%)

• Evidence of need and strength of the needs assessment.

• Size of described gap between demand for treatment and availability of treatment services.

Adequacy and Feasibility of Proposal (Weight: 25%)

• Clarity and appropriateness of project goals and objectives given documented needs assessment data.

• Evidence that the proposed project is both culturally, gender and otherwise relevant to target populations identified in the needs assessment.

• Logic and feasibility of project management plan.

• Appropriateness of plans for capacity expansion for special populations in need and extent to which need is thoroughly documented.

Appropriateness Relative to Program Goals (Weight: 20%)

• Extent to which proposed projects are consistent with the objectives of the rural, remote program, as defined in this RFA.

• Adequacy of the structure/plan for a Management Information System and appropriate use of computers and other automated means of data collection and management.

• Degree to which documented needs are matched by an appropriate range of treatment methods (e.g., clinical, pharmacologic, social, behavioral).

• Extent to which the proposed projects focus on individuals with special treatment needs (e.g. adolescents, persons infected with or at risk of acquiring HIV, homeless persons, the dually diagnosed mentally ill, individuals involved in the juvenile/criminal justice systems, the elderly and individuals with disabilities).

Coordination, Management and Resources (Weight: 20%)

• Evidence of support and specific commitments from Tribal, State and local entities with jurisdiction over relevant institutions defined in the RFA.

• Demonstrated willingness of relevant substance abuse/dependence treatment and recovery programs to participate in a coordinated and standardized intake, assessment and referral system.

• Evidence that the overall plan involves coordination with other public and non-profit private programs in the relevant fields of health and human services, labor, education, housing, interdiction, community development, and the legal and corrections systems.

• Qualifications and experience of the project director and other key personnel (including competence in cultural issues).

• Evidence of a plan to use patient outcome data to improve or alter individual treatment programs.

• Availability of adequate facilities, human resources and equipment.

• Appropriateness of budget request and proposed timetable for accomplishing program objectives.

• Extent to which the applicant consortium is composed of representatives spanning the array of health and human services, labor, education, housing, interdiction, judicial and correction entities relevant to the success of a community-wide, multi-disciplinary improvement project.

Adequacy of Evaluation Plan (Weight: 10%)

• Clarity/feasibility/appropriateness of proposed process and outcome evaluation design and methodology.

• Extent to which there is an ongoing collection of incidence and prevalence data for substance abuse, HIV, STDs, and TB among the target population.

• Extent to which proposed staff demonstrate evaluation expertise.

Award Decision Criteria

Applications recommended for approval by the Initial Review Group will be considered for funding on the basis of their overall technical merit as determined through the review process. Other award criteria will include:

• Availability of funds.

• Geographical distribution throughout the United States and across the target populations listed in this RFA.

• Justification of need, as indicated by CDC, AIDS, and TB incidence data, Drug Abuse Warning Network (DAWN) data, and other objective indicators.

• Degree to which there is a focus on women with dependent children (especially pregnant and post-partum women, their infants and children) (See Target Geographic Areas and Populations, footnote #2).

• Degree to which applications document the provision of non-Federal resources for support of the Cooperative Agreement, especially foundation and other private sector support.

• Degree of multi-disciplinary public/not-for-profit private collaboration.

Terms and Conditions of Support

Funds awarded under the CSAT Rural, Remote and Culturally Distinct Populations Program must be utilized to carry out the goals and objectives of the program as described elsewhere in this RFA. In addition, the following terms and conditions apply:

• Up to 5 percent of the total award, or actual cost, whichever is less, may be allocated to support allowable administrative costs incurred by the applicant (Tribal Authority or State SSA, as appropriate). The remaining 95% must be utilized to support direct services. The allocation of allowable administrative costs between the Tribal Authority, the SSA, and participating city or county governments (as appropriate) should be determined based upon the relative roles and oversight responsibilities for each entity. Volume and allocation of allowable administrative costs must be justified in the application and subsequent management implementation plan for the Cooperative Agreement and is subject to CSAT approval.

• Awardees and service delivery units within each awardee jurisdiction are required to participate in a CSAT-sponsored Evaluation Study.

• Interim and final progress reports and financial status and expenditure reports will be required and specified to awardees in accordance with PHS Grants Policy requirements.

Intergovernmental Review (Executive Order 12372)

Applications submitted in response to this RFA are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application kit. The SPOC should send any state process recommendations to the following address: Review Branch, Office of Scientific Analysis and Evaluation, Center for Substance Abuse Treatment, Rockwall II Building, 10th Floor, 5600 Fishers Lane, Rockville, MD 20857, Attn: SPOC/RRCD.

The due date for state process recommendations is *no later than 60 days* after the deadline date for the receipt of applications. The Center for Substance Abuse Treatment does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Authority and Regulations

Cooperative agreements awarded under this RFA are authorized under Section 510(b)(1) of the Public Health Service Act, as amended (42 USC 290bb–3).

Federal regulations at Title 45 CFR Part 92, generic requirements concerning the administration of grants, are applicable to these awards.

Grants must be administered in accordance with the PHS Grants Policy Statement (Updated September 1, 1991).

The Catalog of Federal Domestic Assistance (CFDA) number for this program is 93.122.

Dated: June 1, 1993.

Joseph R. Leone,

Acting Deputy Administrator, Substance Abuse and Mental Health Services Administration.

[FR Doc. 93–13319 Filed 6–4–93; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–270–03–4333–02]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503, telephone (202) 395–7340.

Title: Nomination of Significant Caves—Information Requirements

OMB Approval Number: 1004–1066 (expired)

Abstract: Respondents supply information on caves found on Federal lands. This information is used to determine whether or not a cave meets the criteria to identify it as a significant cave.

Bureau Form Number: None

Frequency: Collected on a one-time basis for each cave to assist in determining whether a cave meets the significance criteria.

Description of Respondents: Individuals or organizations that are interested in the protection of cave resources located on Federal lands.

Estimated Completion Time: 3 hours

Annual Responses: Approximately 500 the first year and 12 in each following year.

Annual Burden Hours: 1500 the first year and 36 in each following year.

Bureau Clearance Officer (Alternate): Marsha A. Harley, 202–653–6105

Dated: April 29, 1993.

Kemp Conn,

Deputy Assistant Director—Land and Renewable Resources.

[FR Doc. 93–13302 Filed 6–4–93; 8:45 am]

BILLING CODE 4310–84–M

[AZ–020–3–4210; AZA 27888]

AGENCY: Bureau of Land Management (BLM), Interior.

REALTY ACTION: Transfer of public land to state of Arizona.

SUMMARY: The realty action published in the **Federal Register** on October 16, 1992, (57 FR 47485) is being amended by identifying additional public lands proposed to transfer to the State of Arizona under the Arizona-Idaho Conservation Act of 1988 (Stat. 4571) as amended by Title X of Public Law 101–628. Public land within the following sections may transfer:

Gila and Salt River Meridian, Arizona

T. 2 S., R. 3 W.,
Secs. 7 and 18.
T. 2 S., R. 4 W.,
Secs. 11, 12, 13 and 14.

The above-referenced sections contain 2.055.19 acres.

T. 5 S., R. 22 W.,
Sec. 13. (3.75 acres)
T. 14 S., R. 16 E.,
Sec. 7. (approximately 52 acres)

SEGREGATIVE EFFECT: In accordance with the regulations of 43 CFR 2201.1(b), publication of this notice will segregate public lands within the following sections from appropriation under the public land laws and the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

Gila and Salt River Meridian, Arizona

T. 16 N., R. 1 E.,
Sections 6 and 21. (approximately 140 acres)
T. 7 N., R. 2 E.,
Sections 26, 27 and 34. (190.40 acres)

The segregation of the lands within the above-identified sections shall terminate upon issuance of a document conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

FOR FURTHER INFORMATION CONTACT: Barbara Ahearn, Realty Specialist, Phoenix District Office, Bureau of Land Management, 2015 West Deer Valley Road, Phoenix, Arizona 85027 (602) 780–8090.

Dated: May 28, 1993.

David J. Miller,

Acting District Manager.

[FR Doc. 93–13250 Filed 6–4–93; 8:45 am]

BILLING CODE 4310–32–M

[MT–070–4333–02]

Resource Management Plan Amendment, Broadwater and Jefferson Counties, Elkhorn Mountains, MT

AGENCY: Butte District Office, Bureau of Land Management, DOI.

ACTION: Notice of intent to prepare a RMP Travel Plan Amendment in

cooperation with the Forest Service and the Montana Department of Fish, Wildlife and Parks that establishes comprehensive program guidance for the use of motorized vehicles within the Elkhorns Cooperative Management Area.

SUMMARY: The Headwaters Resource Area is initiating a RMP Amendment/Environmental Assessment to evaluate the effects of alternative strategies for managing motorized vehicle uses on public lands in the Elkhorn Mountains. It is presumed that changes to existing RMP direction will not have significant effects and therefore Category 1 amendment procedures will be utilized at the onset.

This area-specific plan will be jointly prepared and implemented with the Montana Department of Fish, Wildlife, and Parks and both the Helena and Deerlodge National Forests through the existing Memorandum of Understanding signed in July 1992. Its primary goal will be to provide quality motorized opportunities that are compatible with established management objectives for the area. Issue development and alternative analysis will be coordinated with all interested/affected individuals, interest groups and government agencies.

DATES: Pubic scoping is now underway and will continue through the fall. Field trips will be conducted periodically during this time to gather public input. The proposed travel plan amendment is scheduled for public review in March 1994.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Butte District Office, Bradley Rixford, P.O. Box 3388, Butte, Montana 59702, telephone 406–494–5059.

Dated: May 28, 1993.

James R. Owings,

District Manager.

[FR Doc. 93–13303 Filed 6–4–93; 8:45 am]

BILLING CODE 4310–DN–M

[NV–930–4210–06; N–57060]

Proposed Withdrawal and Opportunity for Public Meeting; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to withdraw 105 acres of public land to protect the proposed Gap Mountain Recreation Site located in the White River Valley near the Wayne E. Kirch Wildlife Management Area in Nye County, Nevada. This notice closes the land for up to 2 years from settlement, sale, location and entry under the general land laws, including the United States mining laws. The land will remain open to application under the mineral leasing laws.

DATES: Comments and requests for a public meeting should be received on or before September 7, 1993.

ADDRESSES: Comments and meeting requests should be sent to the Nevada State Director, BLM, P.O. Box 12000, Reno, Nevada 89520.

FOR FURTHER INFORMATION CONTACT: Darrell Winter, BLM Ely District Office, 702–289–4865 or Vienna Wolder, BLM Nevada State Office, 702–785–6526.

SUPPLEMENTARY INFORMATION: On May 26, 1993, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public land from settlement, sale, location and entry under the public land laws, including the mining laws, subject to valid existing rights:

Mount Diablo Meridian

T. 6 N., R. 61 E.,
Sec. 26, S½N½SW¼NW¼, S½SW¼NW¼, N½NW¼SW¼;
Sec. 27, SW¼NE¼NE¼, W½SE¼NE¼NE¼, SE¼NE¼.
The area contains 105 acres in Nye County.

The purpose of the withdrawal is to protect the proposed Gap Mountain Recreation Area situated in the White River Valley near the Wayne E. Kirch Wildlife Management Area. This location was selected based on its proximity to water-based recreational activities, favorable construction terrain, accessibility to major travel routes, availability of water, and attractive scenic vistas.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period by the BLM authorized officer are any temporary uses which will not interfere with the purpose of the withdrawal.

The temporary segregation of the lands in connection with this withdrawal application shall not affect the administrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the lands.

Robert G. Steele,

Deputy State Director, Operations.

[FR Doc. 93–13249 Filed 6–4–93; 8:45 am]

BILLING CODE 4310–HC–M

National Park Service

Katmai National Park and Preserve, AK, Environmental Impact Statement

AGENCY: National Park Service, Interior.

ACTION: Notice of intent.

TITLE: Development Concept Plan and Environmental Impact Statement for the Brooks River Area, Katmai National Park and Preserve, Alaska.

SUMMARY: The National Park Service (NPS) is preparing a development concept plan (DCP) and accompanying environmental impact statement (EIS) for the Brooks River Area in Katmai National Park and Preserve. The purpose of the EIS is to evaluate the impacts of alternative development scenarios for the Brooks River Area. An alternatives workbook was made available for public comment during summer 1991. The extent of public interest and controversy about the Brooks River Area DCP and the degree of resource sensitivity have led the NPS to prepare an EIS for the plan.

Primary issues addressed by the Brooks River Area development concept plan are visitation trends and visitor use limits, human interactions with brown bears, cultural resources (particularly significant archeological sites), and support facilities (including staffing levels, facility design and transportation).

The environmental impact statement is being prepared in accordance with the requirements of the National

Environmental Policy Act of 1969, as amended (42 U.S.C. 4331 et seq.) and its implementing regulations at 40 CFR part 1500. The NPS will prepare the EIS in conjunction with preparation of the Brooks River Area DCP.

Five alternatives include: the no-action alternative; leave Brooks Camp facilities in place with modifications to existing facilities; relocate Brooks Camp facilities to the Beaver Pond Terrace about one mile away, overlooking a beaver pond and the outlet of the Brooks River; move facilities to a terrace overlooking Iliuk Moraine about 2.5 miles away from the Brooks River outlet; and remove Brooks Camp facilities without replacing them, making Brooks River a day use area only.

Interested groups, organizations, individuals and government agencies are invited to comment on the plan at any time. The draft statement is anticipated to be available for public review in late summer 1993. Public meetings in Brooks Camp, King Salmon/Naknek and Anchorage, Alaska will follow the release of the draft development concept plan/environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Joan Darnell, Chief, Division of Environmental Quality, National Park Service, 2525 Gambell Street, Room 107, Anchorage, Alaska 99503–2892. Telephone (907) 257–2648.

John M. Morehead,

Regional Director, Alaska Region.

[FR Doc. 93–13354 Filed 6–4–93; 8:45 am]

BILLING CODE 4310–70–P

Denali National Park Subsistence Reserve Commission; Meeting

AGENCY: National Park Service, Interior.

ACTION: Subsistance Resource Commission meeting.

SUMMARY: The Superintendent of Denali National Park and Preserve and the Chairperson of the Subsistence Resource Commission for Denali National Park announce a forthcoming meeting of the Denali National Park Subsistence Resource Commission.

The following agenda items will be discussed:

(1) Introduction of commission members and guests.
(2) Superintendent's welcome.
(3) Old Business:
  a. Approval of minutes from last meeting.
  b. SRC Charter, review of function and purpose.
  c. Election of Chairperson and Vice-Chairperson.
  d. Update of wildlife surveys and studies.
  e. Development Concept Plan, South Slope Denali.
(4) Federal Subsistence Management Program:
  a. Federal Subsistence Board.
  b. Federal Regional Council Program.
  c. Denali federal registration permit hunts.
(5) Hunting Plan work session:
  a. Review written comments of draft proposal #7.
  b. Prepare final recommendation of proposal #7 for the Secretary and Governor.
(6) Public and other agency comments.
(7) Set time and place of next SRC meeting.
(8) Adjournment.

DATES: The meeting will be held Monday, June 28, 1993. The meeting will begin at 10 a.m. and conclude around 5 p.m.

LOCATION: The meeting will be held at the Denali National Park headquarters Recreation Hall, Denali Park, Alaska.

FOR FURTHER INFORMATION CONTACT: Russ Berry, Superintendent, PO Box 9, Denali Park, Alaska 99755. Phone (907) 683–2294.

SUPPLEMENTARY INFORMATION: The Subsistence Resource Commissions are authorized under Title VIII, Section 808, of the Alaska National Interest Lands Conservation Act, Pub. L. 96–487, and operate in accordance with the provisions of the Federal Advisory Committees Act.

John M. Morehead,

Regional Director.

[FR Doc. 93–13353 Filed 6–4–93; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–334]

Certain Condensers, Parts Thereof and Products Containing Same, Including Air Conditioners for Automobiles; Commission Decision To Extend Deadline for Determining Whether To Review an Initial Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Commission has determined to extend the administrative deadline for determining whether to review the final initial determination (ID) by 15 calendar days from Thursday, June 10, 1993, to Friday, June 25, 1993.

FOR FURTHER INFORMATION CONTACT: Jean H. Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3104.

SUPPLEMENTARY INFORMATION: On December 12, 1991, Modine Manufacturing Company ("Modine") filed a complaint under section 337 of the Tariff Act of 1930 alleging infringement of claims of U.S. Letters Patent 4,998,580 in the importation and sale of certain condensers used in automobile air conditioning systems. On January 13, 1992, the Commission voted to institute an investigation of Modine's complaint. The Commission's notice of investigation was published in the **Federal Register** on January 23, 1992. The respondents currently in this investigation are Showa Aluminum Corporation of Japan, Showa Aluminum Corporation of America, Mitsubishi Motors Corporation and Mitsubishi Motor Sales of America, and Mitsubishi Heavy Industries, Ltd., and Mitsubishi Heavy Industries America, Inc. The Commission has designated the investigation "more complicated," resulting in a statutory deadline of July 23, 1993. 57 *Fed. Reg.* 55567 (Nov. 25, 1992).

The presiding administrative law judge filed her final ID in this investigation on April 26, 1993. Complainant Modine and the Commission investigative attorney (IA) filed petitions for review of the ID on May 6, 1993. The IA filed a response to complainant's petition for review on May 13, 1993. Respondents replied to both petitions for review on May 18, 1993.

Copies of all nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436; telephone: 202–205–2000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

This action is taken under the authority of section 337(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1337(b)(1) and Commission interim rule 210.53 (h)(19 CFR 210.53(h)).

Issued: June 1, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–13271 Filed 6–4–93; 8:45 am]

BILLING CODE 7020–02–P

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Biological and Critical Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–

463, as amended), the National Science Foundation announces the following meeting.

Dates and Times: June 25, 1993, 8:30 a.m. to 5 p.m.

Place: Room 1133, NSF, 1800 G Street, NW., Washington, DC

Type of Meeting: Closed

Contact Person: Fred Heineken, Program Director, Division of Biological and Critical Systems, Rm. 1132, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9545.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate biotechnology and biochemical proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: June 2, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–13334 Filed 6–4–93; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–61, issued to Connecticut Yankee Atomic Power Company (the licensee), for operation of the Haddam Neck Plant located in Middlesex County, Connecticut.

The proposed amendment would revise the Technical Specifications to reflect the replacement of four main steam safety valves (one per main steamline) with a new type of code safety valve which will increase the remote manual atmospheric steam dump capability. In addition, the loop isolation valves will be removed from the Technical Specifications.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By July 7, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, Connecticut 06457. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103–3499, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated May 4, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

Dated at Rockville, Maryland, this 27th day of May 1993.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–13294 Filed 6–4–93; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Request for Reclearance of Form SF 2809

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for reclearance of an information collection. Form SF 2809, Health Benefits Registration Form, is the instrument by which eligible individuals may enroll or change their enrollment status under the Federal Employees Health Benefits (FEHB) Program.

Approximately 9,000 SF 2809 forms are completed annually. This form takes an average of 30 minutes to complete. The annual burden is 4,500 hours.

For copies of this proposal, contact C. Ronald Trueworthy on (703) 908–8550.

DATES: Comments on this proposal should be received within 30 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—

David Lewis, Chief, Program Planning and Evaluation, Retirement and Insurance Group, U.S. Office of Personnel Management, 1900 E Street, NW., room 3415, Washington, DC 20415,

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., room 3002, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Mary Beth Smith-Toomey, Chief Administrative Management Branch (202) 606–0616.

U.S. Office of Personnel Management.

Patricia W. Lattimore,

Acting Deputy Director.

[FR Doc. 93–13314 Filed 6–4–93; 8:45 am]

BILLING CODE 6325–01–M

PHYSICIAN PAYMENT REVIEW COMMISSION

Request for Proposals

AGENCY: Physician Payment Review Commission.

ACTION: Notice.

The Physician Payment Review Commission is soliciting proposals to conduct a telephone interview survey of physicians concerning important aspects of the practice of medicine that are being affected by changes in the health care system. This notice describes the application procedures, general policy considerations, and criteria to be used in reviewing applications for prospective grants and contracts submitted to the Commission.

Background on the Commission

The Physician Payment Review Commission was established in 1986 (Pub. L. 99–272) to advise the U.S. Congress on physician payment policy under Part B of the Medicare program. The 13-member Commission comprises physicians and other health professionals, health economists, health services research experts, and individuals representing the perspectives of Medicare beneficiaries, private payers, and others expert in the field of health policy. Supporting the Commission is a multidisciplinary staff with skills in research, policy analysis, and administration.

In 1990, the Commission's legislative mandate was substantially expanded to include topics beyond Medicare physician payment. Its responsibilities now include consideration of a broader set of interrelated policies affecting the financing, quality, and delivery of health services. The Commission has published analyses and recommendations on payment for health care services, the development of outcomes-based practice guidelines, profiling of physician practice patterns, reform of graduate medical education, improving the medical malpractice system, and other topics.

The Commission submits an annual report to the Congress on March 31. It also submits a series of reports in May of each year concerning Medicare expenditures and fee updates, access to care, the financial liability of Medicare beneficiaries, and comments on the President's budget.

Description of Proposal Topic

The health care system is undergoing rapid changes in response to market pressures, health policy changes, and other forces. The Commission seeks to understand the effects of these changes on key aspects of the practice of medicine. As part of its effort to gather information, the Commission plans to survey a nationally representative sample of practicing physicians. The survey will provide information on aspects of current medical practice, identify recent changes in these aspects of practice, and establish a baseline from which to measure future changes as the health care system undergoes further reform. The information is expected to be used by the Commission and others to help assess the effects of recent health policy initiatives and to formulate policy recommendations.

In particular, the Commission seeks to gain insight into the following topics:

- Changes in the practice characteristics of physicians, including mix of patients and payers, acceptance of new patients, practice organization and income, and use of nonphysician practitioners;
- The proportion of their practices physicians devote (and wish to devote) to providing primary care, and the need for additional training of physicians to improve their ability to provide primary care services;
- The use and quality of tools to help physicians improve the quality and cost effectiveness of care, including practice guidelines and profiling of physician's practices;

• The training and experiences of physician case managers and gatekeepers and the experiences of other physicians who interact with them;

• Physicians' experiences with different types of payers' efforts to reduce costs and improve quality of care, including the degree of input the physicians have in determining the policies of these payers;

• The "hassle factor" in meeting the requirements of payers and reviewers of care; and

• The satisfaction of physicians with various aspects of medical practice.

It is anticipated that a minimum of 1,000 interviews will be conducted. The Commission is exempt from Office of Management and Budget regulations regarding the clearance of forms and survey instruments.

The survey described in this Request for Proposals, No. 9304–PS, is distinct from the physician survey described in the Commission's Request for Proposals, No 9302–PS, issued in May 1993 which was intended to monitor the ongoing effects of Medicare physician payment reforms and is restricted to physicians of certain specialties whose practices include a minimum proportion of Medicare beneficiaries. In contrast, this survey is of all practicing physicians, concerns different aspects of medical practice involving all payers, and requires the contractor to develop and test the entire survey instrument.

The contractor will perform the following tasks:

1. Refine survey topics, including suggesting additional survey topics to meet the Commission's needs, develop the survey instrument in consultation with Commission staff, and pilot test the full instrument.
2. Determine the appropriate sample size and select a random sample of practicing nonfederal U.S. physicians.
3. Conduct the telephone interviews.
4. Deliver to the Commission a documented, cleaned computer data file of the responses by August 2, 1994.
5. Deliver a draft report of the methodology and result of the survey to the Commission by September 1, 1994.
6. Deliver to the Commission the final written report of the survey's methodology and results by October 1, 1994.

The Commission plans to award a contract in September 1993.

Formal Proposals

Proposals must conform to the requirement specified in the Commission's formal Request for Proposal, which will be made available to applicants on June 14, 1993. The following provides an outline of what should be contained in the formal proposal:

1. Suggestions for additional topic areas to meet the Commission's needs (described more fully in the Request for Proposal), and plans for developing and testing the survey instrument including the use and adaptation of previously validated questions when applicable.
2. Plans for determining the sample size and obtaining a random sample of nonfederal practicing physicians.
3. Methods to be used to obtain an adequate response rate, including consideration of payments to participating physicians.
4. Detailed description of how the interviews will be carried out, including the training of interviewers and methods to achieve reliable results.
5. Analysis plan.
6. Discussion of problems that may be encountered and strategies for resolving them.
7. Work plan including description of tasks, time schedule, and level of effort for key individuals and the number of days devoted to each task.
8. Description of organizational experience and resources—including experience with the design and conduct of physician surveys—and the qualifications of key project staff, demonstrating the ability to complete successfully the preceding tasks.
9. Detailed budget providing justifications and explanations for amounts required for each task of the project.

Review of Proposals

Proposals will be reviewed by a panel composed of at least three (3) individuals. Reviewers will score applications and make recommendations based on the criteria published in the Commission's Request for Proposals, Part IV, Section M, "Technical Evaluation and Criteria for Award."

General Information

Authority

The Commission's authority for making these awards is based on section 1845(c)(2)(B) of the Social Security Act (42 U.S.C. 1359w-1).

Regulations

General policies and procedures that govern the administration of contracts and grants are located in Title 45 of the Code of Federal Regulations parts 74 and 92. Applicants are urged to review the requirements contained in those regulations.

Submission Address

Physician Payment Review Commission, 2120 L Street NW., suite 510, Washington, DC 20037

Submission Deadline

In order to be considered under this Request for Proposals, complete proposals must be received in the Commission's office no later than close of business, Friday, July 30, 1993.

Obligation

This solicitation in no way obligates the Commission to fund any applicant.

Dated: June 2, 1993.

Contact: Paul B. Ginsburg, Ph.D., Director or Lauren LeRoy, Ph.D. Deputy Director, Physician Payment Review Commission, 2120 L Street NW., suite 510, Washington, DC 20037, (202) 653–7220.

Paul B. Ginsburg,

Executive Officer.

[FR Doc. 93–13331 Filed 6–4–93; 8:45 am]

BILLING CODE 6820–SE–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–32387; File No. SR–GSCC–93–03]

Self-Regulatory Organizations; Government Securities Clearing Corp.; Filing Relating to the Netting of Forward-Settling Trades in Government Securities

May 28, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on April 21, 1993, the Government Securities Clearing Corporation ("GSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1) (1988).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would allow GSCC to continue netting forward-settling trades.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC included statements concerning the purpose of, and basis for, the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. GSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) On April 12, 1990, the Commission approved on a temporary basis, until April 30, 1992, a proposed rule change (SR–GSCC–90–01)[2] that expanded GSCC's netting service to include forward-settling trades in Government securities ("forward trades"). That order was subsequently approved through June 30, 1993.[3] By this filing, GSCC requests that such authority be made permanent by the Commission or, in the alternative, that the Commission further extend on a temporary basis GSCC's authority to net forward trades.

In its approval order of April 12, 1990 (the "Approval Order"),[4] the Commission stated that, "in light of its significance to GSCC and its membership, the proposed netting service for forward-settling transactions should be carefully monitored before it becomes a permanent feature of GSCC's netting system." The Approval Order was a lengthy one; however, the essence of the Commission's concerns regarding the proposal may be said to have been the adequacy of each of the following: (1) GSCC's forward mark allocation payment process; (2) the revised Clearing Fund formula; and (3) GSCC's system prices. Each of these concerns is discussed below.

1. The Forward Mark Allocation Calculation

As was stated in the original rule filing (SR–GSCC–90–01), in designing a system for the netting of forward trades, GSCC considered fully applying mark-to-market requirements during the period between trade and settlement, in the same manner as is done for regular-way trading. That is, GSCC considered requiring Netting Members (hereinafter "members") to pay on a daily basis in cash the full amount of mark payments stemming from net settlement positions in forward-settling securities.

In view, however, of the potential for significant amounts of money to have to be passed through GSCC on a daily basis, which might on any particular day drain liquidity from a firm in an unpredictable manner, GSCC chose an alternative approach that realistically reflects, and sufficiently minimizes, the risk of disruption to the settlement process. This method provides for the daily collection of a percentage of any debit mark amount allocable to a forward-settling position (the "forward mark allocation amount") that ensures, on a per-CUSIP basis, that the failure of up to all of the five members with the largest debit mark levels on any given day would not disrupt GSCC's ability to successfully settle that day's Government securities trades.

GSCC's experience to date shows that this approach to the margining of forward trades strikes an appropriate balance between the need for a sufficient margin to ensure GSCC's liquidity and to prevent a loss upon liquidation of a member's position, versus the desire to not unduly drain funds from members. (The sufficiency of GSCC's margining process for forward trades also is supported by a comprehensive risk assessment of GSCC that was forwarded to the Commission last year.) Analyses done by GSCC indicate that, in the morning of a typical date for forward trades, when GSCC faces exposure equal to the difference between the amount of forward mark allocation ("FMA") payments collected on the previous business day (which has not yet been returned) and the amount of transaction adjustment payments ("TAP") owed to GSCC on such day (and not yet paid), the amount already "pre-collected" in FMA payments is a majority (often a large majority) of that day's TAP amount.

To the extent that GSCC has had concerns with its FMA process, it has been with the increasing activity in non new-issue securities (in particular, zero coupon securities). Such activity typically is not as evenly spread among members as the activity in normally recurring issues (such as the weekly Bill issues and the month two-year and five-year Note issues). Instead, it tends to be more concentrated in a few members. For a particular CUSIP, this often leads to the total debit mark level of the five members with the largest such debit marks constituting a higher percentage of the daily liquidation exposure incurred by GSCC as regards that CUSIP than if the activity were more evenly spread. Currently, only a maximum of 75 percent of a member's debit mark is collected as FMA.

This matter, together with numerous other margining issues, was addressed in a recent filing (SR–GSCC–91–04)[5] by GSCC, wherein GSCC requested authority to raise the cap on a member's daily FMA payment amount from 75 percent of the calculation to 100 percent. This will increase the dollar amount collected by GSCC in the event that certain members create a relatively large exposure for GSCC vis-a-vis other members.

2. GSCC's Clearing Fund Formula

With regard to the sufficiency of FMA payments, GSCC notes that the Commission, in the Approval Order, indicated a concern that the FMA payment process provide "adequate collateral protection for forward-settling transactions independently from other liquidity sources designed to protect against risks stemming from the settling of regular-way trades." Of course, the source of liquidity protection for next-day trades are Clearing Fund deposits. Thus, the Commission has, in effect, indicated that the Clearing Fund formula must factor in exposure arising from next-day and forward trades independently of each other and cumulatively. GSCC's experience to date confirms that the formula does in fact do so, and that the nature of GSCC's margining process for forward trades, wherein such trades are both margined for Clearing Fund purposes and are subject to a separate margin requirement (the FMA payment process), is quite conservative and prudent in nature. This is particularly true in light of GSCC's recent rule filing (SR–GSCC–91–04) noted above.

GSCC's Clearing Fund formula provides for the collection of 125

[2] Securities Exchange Act Release No. 27902 (April 12, 1990), 55 FR 15066.

[3] Securities Exchange Act Release Nos. 30661 (April 30, 1992), 57 FR 19654 (approving the netting of forward settling trades through July 31, 1992), 31065 (August 21, 1992), 57 FR 39255 (approving the netting of forward settling trades through October 30, 1992), 31384 (October 30, 1992), 57 FR 52807 (approving the netting of forward settling trades through March 31, 1993) and 32090 (April 1, 1993), 58 FR 18289 (approving the netting of forward settling trades through June 30, 1993).

[4] *Supra*, note 2.

[5] Securities Exchange Act Release No. 30135 (December 31, 1991), 57 FR 942.

percent of the member's average daily funds-only settlement amount over the most recent 20 business days and the greater of: (1) The margin amount on the member's net settlement positions taking into account offsetting positions averaged over the most recent 20 business days or (2) 50 percent of the margin amount for that business day on the member's net settlement positions calculated without taking into account offsetting positions. Currently, a member's net securities and funds-only settlement obligations arising from forward trades are factored into the calculation of such member's Clearing Fund requirement during the post-auction forward-settling period, except that such positions are factored into the 20-day averages only for purposes of determining the current day's margin calculation. GSCC's recently proposed rule filing, SR–GSCC–91–04, will change this to provide for GSCC to treat forward settlement positions for Clearing Fund calculation purposes essentially as it does all other net settlement obligations, thus providing for a smoother Clearing Fund collection process and greater amounts of margin received from members.

3. Prices

A significant event that has occurred since the issuance of the Approval Order is that GSCC now has close to two-years' worth of its own price volatility data. This data base now is used in assessing and monitoring the adequacy of its margin factors. GSCC hereby represents that the information contained in this data base is being and will continue to be considered on a periodic basis by GSCC's Membership and Standards Committee in reviewing the sufficiency of GSCC's margin factors.

It is noteworthy that GSCC has ensured, and will continue to ensure, the sufficiency of its margining process through the use of conservative margin factor criteria.

With regard to obtaining additional third party Government securities price volatility data, in the past, there has been no available source of data that was sufficiently comprehensive and accurate to consider as an alternative to GSCC's internal data base. Indeed, GSCC's own data base is likely always to be more precise than any third-party data source for off-the-run issues, because GSCC receives price data across a broad spectrum of issues and products and is not focused on leading issues within a maturity or product range.

Recently, however, private sector initiatives in the Government securities marketplace have arisen, such as the establishment of GOVPX, Inc., which have made significant steps toward disseminating the type of Government securities price information that would be of particular benefit to GSCC. In view of this, GSCC continues to evaluate the types of third-party price volatility information that are available and the usefulness of such information. GSCC notes in this regard that it continues to believe that its own data base would be able to serve as the most accurate and meaningful source of price volatility data on Government securities in existence if it were to receive trade data from its members on a time-stamped basis.

In sum, in view of GSCC's positive experience to date in the netting of forward trades, the conservative nature of its margining process for forwards and the general strengthening of the process that has taken place, and its ability now to use internal price volatility data to assess the adequacy of its margin factors, GSCC believes that its method for margining forward trades is an appropriate one and that its authority to net forward trades should be made permanent.

(b) The proposed rule change will encompass forward-settling Government securities transactions within the Netting System and, thus, will further promote the prompt and accurate clearance and settlement of securities transactions for which GSCC is responsible. It is therefore consistent with section 17A of the Act, and section 17A(b)(3)(A) of the Act in particular.

B. Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change, Received From Members, Participants, or Others

Comments on the proposed rule change have not been received. GSCC will notify the Commission of any written comments it receives on this matter.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if its finds such longer period to be appropriate and publishes its reason for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of GSCC. All submissions should refer to File No. SR–GSCC–93–03 and should be submitted by June 28, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–13264 Filed 6–4–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32381; File No. SR–GSCC–93–04]

Self-Regulatory Organizations; Government Securities Clearing Corp.; Proposed Rule Change Regarding the Current Clearing Fund Formula

May 28, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on April 21, 1993, the Government Securities Clearing Corporation ("GSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by GSCC.[2] The

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] This proposal initially was filed on January 25, 1992 as File No. SR–GSCC–92–3. The Commission

Continued

Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would allow GSCC to continue to use its current clearing fund formula.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. GSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On April 12, 1990, the Commission approved, on a temporary basis, until April 30, 1992, a proposed rule change (SR–GSCC–89–13) that revised GSCC's clearing fund formula in various respects, including allowing offsets of required margin amounts. By this filing, GSCC requests that such authority be made permanent or, in the alternative, that the Commission further extend, temporarily, GSCC's authority to maintain its current clearing fund formula.[3]

In its April 12, 1990, approval order ("Approval Order"), the Commission noted that, "in light of its significance to GSCC and its membership, the proposed revisions to GSCC's clearing fund formula should be carefully monitored before they become a permanent feature" of GSCC's Rules and Procedures.[4] The essence of the Commission's concerns expressed in the Approval Order involved the adequacy of the following: (1) GSCC's analysis of price volatility; (2) GSCC's measures of correlation; and (3) the liquidity the clearing fund provides to GSCC during periods of high volatility. Each concern is discussed below.

1. Analysis of Price Volatility

The Commission stated in the Approval Order that GSCC should "continue to consider ways to refine its analysis of price volatility, including procedures to consider the effects of dramatic price movements."[5] Since the Commission issued the Approval Order, GSCC has compiled nearly two-years' worth of its own price volatility data. This data base is now sufficient for use in assessing and monitoring the adequacy of its margin factors.

GSCC continues to ensure the sufficiency of its margining process by using conservative margin factor criteria. In this regard, the information currently considered on a quarterly basis by the Membership and Standards Committee in reviewing the sufficiency of GSCC's margin factors includes: (1) Historical daily price volatility data prepared by Carol McEntee & McGinley Inc. which looks at the current leading issue in each category and uses the mean plus two standard deviations and (2) short-term (currently, the past 90 days) and long-term (currently, the past year) GSCC data covering mean plus two standard deviations and, separately, 99 percent of all price movements. GSCC's internal and third-party price volatility data indicates that its margin factors are prudent and conservative, including on the long end of the maturity spectrum, where the greatest exposure exists for GSCC.

Recently, private sector initiatives in the government securities marketplace have arisen, such as the establishment of GOVPX, Inc., that have made significant steps toward disseminating the type of government securities price information that would benefit GSCC. In view of this development, GSCC continues to evaluate the types of third-party price volatility information that are available and the utility of such information. GSCC continues to believe, however, that its own data base would be the most accurate and meaningful source of price volatility data on government securities if GSCC could receive trade data from its members on a time-stamped basis.

2. Measures of Correlation

GSCC believes its disallowance percentage schedule is a conservative one. Currently, GSCC uses neither internal price data nor third-party data to monitor the accuracy of its disallowance percentage schedule.[6] After evaluating available third-party price volatility information, however, GSCC will be able to determine whether and how to use either its internal price data base or a third-party data source to monitor its disallowance percentage schedule.

3. Ensuring GSCC's Liquidity Needs

In the Approval Order, the Commission indicated the need for GSCC "to ensure that the clearing fund has sufficient liquidity, during periods of high volatility, to protect it from contingencies stemming from participants' daily net settlement obligations."[7]

GSCC's margining process helps ensure that GSCC has sufficient liquidity to meet its settlement guarantees, even during periods of high volatility. Perhaps the areas of greatest potential concern in this regard is forward trades, which present the largest exposure to GSCC. GSCC believes the margining process for forward net settlement positions, on which clearing fund deposits are taken and which are subject to a separate margin pool (the forward mark allocation payment process), is conservative and prudent, particularly in light of GSCC's recent rule filing (SR–GSCC–91–04) that makes various changes to GSCC's margin and funds collection processes.[8]

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since has approved continued use of the clearing fund formula until June 30, 1993, to allow the Commission to consider this proposal in the context of related proposals now awaiting Commission approval. Securities Exchange Act Release No. 32090 (April 1, 1993), 58 FR 18289.

[3] A participant's required clearing fund deposit is the sum of two components: funds-only settlement obligations and securities net settlement obligations. The funds-only settlement obligations component is determined by calculating for a particular business day the net total of the following: (1) Trade adjustment for settling positions; (2) any marks-to-the-market owed for failed positions; (3) adjustments for coupon and redemption payments; (4) the amount reported to a member during the previous business day's processing cycle as its funds-only settlement amount obligations ("opening balance"); (5) the aggregate settlement amount that a member has either received from or paid to GSCC since the end of the processing cycle during which the funds-only settlement amount is being calculated ("collection/paid amount"); (6) the total required forward mark allocation payment; and (7) the total forward mark allocation return amount. The securities net settlement obligations component is the greater of either the average offset margin amount for the last twenty business days or 50% of the gross margin amount. The gross margin amount is the product of the appropriate margin factor and the total dollar value of the member's net settlement position that day. Securities Exchange Act Release No. 27901 (April 12, 1990), 55 FR 15055.

[4] Securities Exchange Act Release No. 27901 (April 12, 1990), 55 FR 15055.

[5] *Id.*

[6] GSCC will use the Treasury Department's liquid capital schedule to monitor the accuracy of its disallowance percentage schedule until it is able to start monitoring internally. Telephone conversation between Jeffrey F. Ingber, Associate General Counsel, GSCC, and Richard C. Strasser, Attorney, Division of Market Regulation, Commission (March 15, 1993).

[7] *Id.*

[8] Securities Exchange Act Release No. 30135 (December 31, 1991), 57 FR 942. The proposed rule change would allow GSCC to treat forward net settlement positions for clearing fund calculation purposes essentially as it does next-day settling and fail net settlement obligations. In addition to clearing fund deposits of a separate "forward mark

Considering GSCC's positive experience to date with the revised clearing fund formula, the conservation nature of its margining process, the extent to which the process has been strengthened to ensure GSCC's liquidity posture, and its ability now to use internal price volatility data to assess the adequacy of margin factors and correlations, GSCC believes its clearing fund formula is appropriate and should receive permanent approval.

GSCC believes the proposed rule change will help further its ability to ensure orderly settlement in the government securities marketplace. Thus, GSCC believes the proposal is consistent with the requirements of the Act and, in particular, section 17A because it will promote prompt clearance and settlement.

(B) Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule change will have an impact on, or impose a burden on, competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments on the proposed rule change have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, at the address above. Copies of such filing will also be available for inspection and copying at the principal office of GSCC. All submissions should refer to file number SR–GSCC–93–04 and should be submitted by June 28, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–13265 Filed 6–4–93; 8:45 am]

BILLING CODE 8010–01–M

allocation" margin amount on forward net settlement positions, the proposed rule change would allow GSCC to raise the cap on this daily margin amount from 75 percent to 100 percent. Under most circumstances, this change would allow GSCC to collect the entire amount of the top five daily member debits in each CUSIP.

[9] 17 CFR 200.30–3(a)(12) 1932).

[Release No. 34–32386; File No. SR–GSCC–93–02]

Self-Regulatory Organizations; Government Securities Clearing Corp.; Filing of a Proposed Rule Change Relating to the Netting of Zero Coupon Government Securities

May 28, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on April 21, 1993, the Government Securities Clearing Corporation ("GSCC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II and III below, which Items have been prepared primarily by GSCC. The Commission is publishing this notice to solicit comment on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would allow GSCC to continue to include book-entry zero coupon government securities in its netting system.

[1] 15 U.S.C. 78s(b) (1988).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. GSCC has prepared summaries, set forth in Sections, A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(a) On January 31, 1991, the Commission approved on a temporary basis, until April 30, 1992, a proposed rule change (File No. SR–GSCC–90–06) to expand GSCC's netting service to include zero coupon government securities ("zeros").[2] In subsequent approval orders, the Commission has extended its temporary approval of the proposal.[3] By this filing, GSCC requests that such authority be made permanent by the Commission, or, in the alternative, that the Commission further extend on a temporary basis GSCC's authority to net zeros.

In its approval order of January 31, 1991, the Commission stated that it was approving the proposed rule change on a temporary basis "[i]n light of the significance of this proposal to GSCC and its clearing members, and in light of the probability that GSCC's methodology for risk analysis will be modified at a future date . . ."[4] There, the Commission indicated its belief that "GSCC's method of determining the applicable margin factors [for zeros] is reasonable in light of the lack of historical data on which to base the margin assessment."[5] However, it noted concern about "the accuracy with which GSCC's current methodology reflects the historical and implied volatility of zeros."[6]

Since the approval order was issued, GSCC has gained almost two years of

[2] Securities Exchange Act Release No. 28842 (January 31, 1991), 56 FR 5032.

[3] Securities Exchange Act Release Nos. 30661 (April 30, 1992), 57 FR 19654 (approving the proposal through July 31, 1992); 31065 (August 21, 1992), 57 FR 39255 (approving the proposal through October 30, 1992); 31363 (November 5, 1992), 57 FR 52809 (approving the proposal through March 31, 1993); and 32090 (April 1, 1993), 58 FR 18289 (approving the proposal through June 30, 1993).

[4] Securities Exchange Act Release No. 28842, note 2 *supra*.

[5] *Id.*

[6] *Id.*

experience in the netting of zeros without incurring any problems. GSCC's margining process for zeros remains conservative and prudent, and now has the benefit of the use of GSCC's internal price volatility data base. Moreover, as described below, GSCC has modified and improved its risk assessment systems in various respects. In view of the above, GSCC believes that its method for margining zeros is an appropriate one.

1. Use of GSCC's Internal Price Volatility Data Base to Assess the Adequacy of GSCC's Margin Factors

As GSCC noted in its original rule filing (File No. SR–GSCC–90–06), it is not aware of any satisfactory third party source of historical price volatility data on zeros from which to establish applicable margin factors. GSCC stated in that filing that it intended to develop and maintain its own historical price volatility data base for zeros, as it does for all other securities eligible for the net.

GSCC has collected over one year's worth of its own price volatility data for zeros; this data base is sufficient for use in assessing and monitoring the adequacy of its margin factors for zeros. GSCC hereby represents that the information contained in this data base will be considered on a periodic basis by the Membership and Standards Committee of GSCC's Board of Directors ("Board") in reviewing the sufficiency of GSCC's margin factors for zeros.

2. Continued Use of a Conservative Margining Process

In making zeros eligible for its net, GSCC recognized that these securities require different considerations regarding margining than do other Treasury securities ("non-zeros") because zeros generally are subject to greater price volatility than are non-zeros with the same maturity. Thus, GSCC will continue to maintain a separate margin factor schedule for zeros which takes into account, based on data contained in the Treasury Department's liquid capital standards, the greater price volatility presented by zeros in general and the greater price volatility which arises as the remaining maturity of a zero increases.

The currently applicable margin percentages for zeros range from being the same as those for non-zeros on the short end of the maturity spectrum to two-and-a-half times that applicable to non-zeros on the longest end of the maturity spectrum. GSCC's internal price volatility data for zeros indicates that these percentages for zeros are prudent and conservative, particularly on the long end of the maturity spectrum where the greatest exposure exists for GSCC.

3. Strengthening of GSCC's Margining Process Generally

Since the initial approval order was issued, GSCC has filed a proposed rule change (File No. SR–GSCC–91–04)[7] to implement a number of changes to its margining and funds collection processes that will further strengthen those processes. Certain of these changes will complement GSCC's process for mitigating the risk arising from guaranteeing net settlement positions in zeros and ensure that this risk is minimal.

In view of GSCC's positive experience in the netting of zeros, the conservative nature of its margining process for zeros, its ability to use internal price volatility data to assess the adequacy of its margin factors for zeros, and the general strengthening of GSCC's margining process, GSCC believes that its method for margining zeros is an appropriate one and that its authority to net zeros should be made permanent.

(b) The proposed rule change will help further GSCC's ability to ensure orderly settlement in the government securities marketplace by expanding the scope of government securities eligible for its netting system. Thus, it is consistent with section 17A of the Act and the rules and regulations thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments on the proposed rule change have not been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of GSCC. All submissions should refer to File No. SR–GSCC–93–02 and should be submitted by June 28, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–13266 Filed 6–4–93; 8:45 am]

BILLING CODE 8010–01–M

[7] Securities Exchange Act Release No. 30135 (December 31, 1991), 57 FR 942 (notice of filing of the proposed rule change).

[8] 17 CFR 200.30–3(a)(12).

[Release No. 34–32389; File No. SR–ICC–93–01]

Self-Regulatory Organizations; The Intermarket Clearing Corp.; Filing of a Proposed Rule Change Relating to Scheduling of Board Meetings

May 28, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on May 11, 1993, The Intermarket Clearing Corporation ("ICC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by ICC. The Commission is publishing this notice to

[1] 15 U.S.C. 78s(b)(1) (1988).

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will provide ICC's Board of Directors (sometimes referred to as the "Board") with greater flexibility with respect to the scheduling of regular meetings.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

ICC's current By-Laws require the Board of Directors to hold regular meetings on a monthly basis. The By-Laws further require that regular meetings in even-numbered months be held at ICC's offices in Chicago, Illinois, and regular meetings in odd-numbered months be held at ICC's offices in New York, New York, unless the Board provides otherwise by resolution with respect to a particular meeting.

Over time, ICC has found that it is difficult to convene all of the Directors on a monthly basis. Moreover, it is costly and time consuming for ICC to prepare an agenda and staff for such frequent meetings of the Board. ICC has determined that less frequent meetings of the Board are sufficient to accomplish the business of ICC. Accordingly, the proposed By-Law change will eliminate the monthly meeting requirement and will allow the Board of Directors to schedule regular meetings at such times as the Board shall from time to time provide by resolution.

The proposed By-Law change also will allow for more flexibility with respect to the site of the Board's regular meetings. ICC no longer believes that it is necessary for the Board to alternate meeting sites between Chicago and New York. The practice was originally adopted in order to make it more convenient for the Member Directors who resided in New York to attend the meetings. However, ICC Member Directors now reside in all parts of the country. Accordingly, ICC believes that the Board of Directors should have the authority to select an appropriate site for each meeting. The proposed By-Law change grants that authority by allowing the Board to meet at such places as it shall from time to time provide by resolution.

ICC believes that the proposed By-Law change is consistent with section 17A of the Act, as amended, because it assures fair participation in the administration of the clearing organization's affairs.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICC does not believe that the proposed rule change would impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication for this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of ICC. All submissions should refer to the File No. SR–ICC–93–1 and should be submitted by June 28, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–13267 Filed 6–4–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32390, File No. SR–MSRB–93–3]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Settlement Dates for When, As and If Issued Transactions

May 28, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on March 23, 1993, the Municipal Securities Rulemaking Board ("Board" or "MSRB") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by the MSRB. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

MSRB is filing a proposed amendment to Board Rule G–12, relating to settlement dates for when, as, and if issued (collectively referred to as "when-issued") transactions. As discussed below, the Board is requesting that the Commission approve the proposed rule change with an effective date twenty business days prior to the scheduled date of initial operation of the National Securities Clearing Corporation's ("NSCC") redesigned municipal transaction comparison system.[2]

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[2] 17 CFR 200.30–3(a)(12) (1991).

[1] 15 U.S.C. 78s(b)(1) 1988.

[2] Securities Exchange Act Release No. 31960 (March 8, 1993), 58 FR 13656 [File No. SR–NSCC–93–2] (notice of proposed rule change).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below, and is set forth in sections (A), (B), and (C) below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change would amend Rule G–12(b) to require managing underwriters for nearly all new issues of municipal securities to provide a registered clearing agency offering automated comparison services for municipal securities with the settlement dates of the new issues as soon as they are known and thereafter to inform immediately the registered clearing agency of any changes in such settlement dates. This requirement is necessary to facilitate the automated comparison of when-issued municipal securities.

With two limited exceptions, Rule G–12(f)(i) currently requires transactions between dealers to be submitted to a registered clearing agency for comparison. NSCC is the registered clearing agency that provides the central processing services for municipal securities comparison. Although the rate of successful comparison in the initial comparison cycle of this system is relatively high for regular way transactions (78.7 percent as of February 1993), the initial comparison rate for when-issued transactions is much lower (40.5% as of February 1993) and has been difficult to improve notwithstanding many efforts by the Board and NSCC.

The Board believes one reason for the low comparison rate is that the two parties to a transaction sometimes may submit the transaction for comparison in different formats. For example, one party may submit the transaction with a dollar price or yield while the contra-side may submit the transaction using a settlement date and final monies. The current municipal securities comparison system requires that all transactions executed more than five business days prior to the settlement date for a new issue be submitted using a dollar price or yield format (a "when-issued format") while all transactions thereafter must be submitted using a final monies format. However, some dealers have had difficulty in adopting this processing convention.

Rule G–12(b)(ii)(C) currently requires the managing underwriter to provide NSCC with at least six business days notice of the final settlement date of a new issue. NSCC uses the settlement date to compute final monies for all when-issued transactions that have been submitted to the system. NSCC currently cannot compare a yield or dollar price submission with a final monies submission because at various times during the when-issued period the settlement date may be unknown to NSCC although known to some dealers.

NSCC has redesigned its bond comparison system and filed the system changes with the Commission.[3] At this time, the redesigned system is expected to become operational by the second or third quarter of 1993. The redesigned comparison system is intended to incorporate advanced computer technology that will allow the comparison system to accommodate better the special characteristics of the municipal securities market, to achieve comparison on the day following trade date, and to improve when-issued comparison rates. One way in which when-issued comparison rates are expected to be improved by the revised system is by comparing trade information submitted by the parties to a transaction even though one side of the transaction submits the transaction in yield or dollar price format and the other side submits the trade using a final monies format.

It is critical to the success of the redesigned bond comparison system that NSCC be alerted to the settlement date as soon as possible. This is because NSCC will need the settlement date to compute final monies for those transactions submitted on a yield or dollar price basis and to make comparison of yield or dollar price submissions with submissions that are in final monies format. In addition, the managing underwriter will need to immediately inform NSCC of any changes in the settlement date, if changes occur subsequent to the initial notification, so that NSCC can recompute final monies for comparison and settlement purposes. The proposed rule change will require NSCC be provided with timely notice of a new issue's settlement date and thus will support the operation of the redesigned comparison system.

The Board requests that the Commission approve the proposed rule change after approval of the redesigned comparison system and set an effective date twenty business days prior to the scheduled implementation of the redesigned comparison system. This will allow NSCC to begin to receive settlement date information so that it will be available for use as soon as the new system begins operations.

As set forth in section 15B(b)(2)(C)[4] of the Act, the Board has the responsibility to foster cooperation and coordination with persons engaged in clearing, settling, processing information with respect to, and facilitating transactions in municipal securities. The Board believes that the proposed rule change will foster cooperation and coordination with persons engaged in clearance and settlement of municipal securities as required by section 15B of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule change, which will have an equal impact on all participants in the municipal securities industry, will have any impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Board neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent

[3] *Supra* note 2.

[4] 15B U.S.C. 78o–4(b)(2)(C).

amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the MSRB. All submissions should refer to File No. SR-MSRB-93-3 and should be submitted by June 28, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

[FR Doc. 93-13262 Filed 6-4-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-32388; File No. SR-OCC-93-06]

Self-Regulatory Organizations; The Options Clearing Corp.; Filing and Order Granting Accelerated Approval on a Temporary Basis of Proposed Rule Change Relating to Extending the Temporary Approval of Equity TIMS

May 28, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934,[1] notice is hereby given that on April 28, 1993, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-OCC-93-06) as described in Items I and II below, which Items have been prepared by OCC, a self-regulatory organization ("SRO"). The Commission is publishing this notice and order to solicit comments from interested persons and to grant accelerated approval of the proposed rule change through May 31, 1994.

I. SRO's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will extend from June 1, 1993, through May 31, 1994, the Commission's temporary approval of OCC's use of its Theoretical Intermarket Margin System ("TIMS") for calculating clearing margin positions for equity options.[2]

II. SRO's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. SRO's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On March 1, 1991, the Commission temporarily approved a proposed rule change which authorized OCC to use TIMS to calculate Clearing Member margin requirements on equity options.[3] On May 29, 1992, the Commission extended the temporary approval.[4] Equity TIMS utilizes options price theory (i.e., an option pricing model) to project the cost of liquidating each Clearing Member's short equity option positions and long equity option positions on which OCC is entitled to assert a lien in the event of a "worst case" theoretical change in the price of the underlying securities and to calculate for each Clearing Member a margin requirement to cover that cost.[5]

In discussions with the Commission's staff preceding the Commission's approval of Equity TIMS, OCC represented that it would undertake to analyze the effects of including equity option volatilities over longer periods in determining margin intervals and would report the results of its analysis to the Commission. In order to perform this analysis, OCC states in this proposal that it first needed to obtain a data base reflecting equity security prices for a ten year period and that the process of securing such a data base took longer than OCC anticipated. OCC further states that after it secured the data base, it required additional time to ensure that the prices included therein were accurate. Because these two matters now have been resolved, OCC states that it will be able to complete its analysis and submit its report to the Commission by December 31, 1993.

OCC believes that its use of Equity TIMS over the past two years has resulted in better assessments of OCC's risk exposure associated with the clearance and settlement of its Clearing Members' equity option positions and in calculations of clearing margin that more accurately reflect that risk exposure. Moreover, OCC has not received any adverse comments or complaints regarding Equity TIMS from its Clearing Members. Accordingly, OCC requests that the Commission extend its temporary approval of Equity TIMS and the date by which OCC must complete its analysis of Equity TIMS and file its report with the Commission.[6]

OCC believes that the proposed rule change is consistent with the requirements of the Act, and in particular, section 17A of the Act.[7] Specifically, OCC believes that Equity TIMS enhances OCC's ability to safeguard those securities and funds for which it is responsible.

B. SRO's Statement on Burden on Competition

OCC believes that the proposed rule change will not impose any burden on competition.

C. SRO's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

OCC has not solicited or received any comments on the proposed rule change.

III. Discussion

The Commission continues to believe, on a preliminary basis, that Equity TIMS meets the requirements of the Act and, in particular, the requirements of section 17A of the Act.[8] Specifically, section 17A(b)(3)(F) of the Act[9] requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible. Additionally, section

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[5] 17 CFR 200.30-3(a)(12) (1992).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Equity TIMS is a modified version of OCC Non-Equity TIMS. Non-Equity TIMS is OCC's margin system used to calculate margin requirements on options for which the underlying asset is anything but an equity security. Securities Exchange Act Release No. 23167 (April 22, 1986), 51 FR 16127 [File No. SR-OCC-85-21] (order approving Non-Equity TIMS).

[3] Securities Exchange Act Release No. 28928 (March 1, 1991), 56 FR 9995 (File No. SR-OCC-89-12) (order approving the use of Equity TIMS to calculate margin on equity options on a temporary basis through May 31, 1992).

[4] Securities Exchange Act Release No. 30761 (May 29, 1992), 57 FR 24286 (File No. SR-OCC-92-15) (order extending the approval of Equity TIMS through May 31, 1993).

[5] After the Commission's approval of File No. SR-OCC-89-12 on March 1, 1991, OCC phased out its previous margin system, which was known as the "production system," and since then has used Equity TIMS to calculate its Clearing Members' margin requirements on equity option positions. For a complete description of Equity TIMS, refer to File No. SR-OCC-89-12 and Securities Exchange Act Release No. 28928, *supra* note 3.

[6] Letter from Jean W. Cawley, Staff Counsel, OCC, to Thomas C. Etter, Jr., Attorney, Division of Market Regulation, Commission (April 29, 1993).

[7] 15 U.S.C. 78q-1 (1988).

[8] 15 U.S.C. 78q-1 (1988).

[9] 15 U.S.C. 78q-1(b)(3)(F) (1988).

17A(a)(1) of the Act[10] encourages the use of efficient, effective, and safe procedures for securities clearance and settlement.

As the Commission has stated previously, Equity TIMS represents an improvement over OCC's previous production margin system in several respects.[11] Nevertheless, the Commission remains concerned about the potential lack of diversification of equity option holdings within Clearing Members' individual portfolios on which OCC is granting credit. Moreover, while the Commission continues to believe that the margin methodology employed by Equity TIMS is basically sound, the Commission remains concerned that the system may be overly dependent on short-term analyses of historical and implied volatility. Although such short-term analyses must provide the primary basis for any clearing corporation margin system, their limitations also must be recognized. Accordingly, the Commission continues to believe that it would be beneficial for OCC to collect additional margin to protect against the financial shocks caused by sudden, drastic price movements. Specifically, while OCC monitors the volatility of the markets in an effort to anticipate such movements, the Commission believes that OCC should continue to explore ways to ensure that its margin calculations and resulting margin deposits are not lower than they should be as a result of a decrease in short-term (three-to-twelve months) average volatility.[12]

In connection with the first Equity TIMS temporary approval order of March 1, 1991,[13] OCC represented that it would undertake to include price volatility data for equity securities over longer terms in determining its margin intervals and that it would report to the Commission by April 30, 1992, concerning how such a procedure could best be effected. At OCC's request, the Commission extended this reporting deadline to December 31, 1992, in its order extending Equity TIMS to May 31, 1993.[14] Because it has taken OCC longer than anticipated to obtain and confirm the accuracy of a data base with ten years of equity securities prices, OCC has requested until December 31, 1993, to complete this report and to deliver it to the Commission. The Commission believes that by extending the temporary period for OCC's use of Equity TIMS through May 31, 1994, it will be providing sufficient time: (1) For OCC to prepare and submit its report by December 31, 1993, and (2) for the Commission to analyze the report before determining whether to grant permanent approval for Equity TIMS.

OCC has requested that the Commission find good cause for approving its request for an extension of the Commission's temporary approval of OCC's use of Equity TIMS prior to the thirtieth day after the publication of notice of filing of the proposed rule change. As noted, the temporary approval period for Equity TIMS is due to expire on May 31, 1993. Unless the approval period is extended, OCC would be required to terminate its use of Equity TIMS and to revert back to its previous margin system for calculating clearing margin on equity options. Because the Commission believes that Equity TIMS marks an improvement over OCC's previous margin system, it finds that good cause exists for so approving the proposed rule change.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR-OCC-93-06 and should be submitted by June 28, 1993.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[15] that the above-mentioned proposed rule change (File No. SR-OCC-93-06) be, and hereby is, approved on a temporary basis through May 31, 1994.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-13268 Filed 6-4-93; 8:45 am]

BILLING CODE 8010-01-M

[10] 15 U.S.C. 78q-1(a)(1) (1986).

[11] *Supra* note 3.

[12] The Commission's staff has found that the number of severe price swings in the marketplace has increased dramatically in recent years. Division of Market Regulation, Market Analysis of October 13 and 16, 1989, at 162-163 (December 1990).

[13] *Supra* note 3.

[14] *Supra* note 4.

[15] 15 U.S.C. 78s(b) (1988).

[16] 15 CFR 200.30-3(a)(12) (1992).

[Release No. 34-32391; File No. SR-PTC-92-12]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by Participants Trust Co. To Permit the Collateral Loan Facility To Be Used for Transfers From a Limited Purpose Account

June 1, 1993.

On December 23, 1992, Participants Trust Company ("PTC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change (File No. SR-PTC-92-12) pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] On February 1, 1993, PTC filed Amendment No. 1 to the proposed rule change.[2] The Commission published notice of the proposed rule change in the **Federal Register** on February 9, 1993.[3] No comments were received. As discussed below, the Commission is approving the proposed rule change.

I. Description

The proposed rule change modifies PTC's Collateral Loan Facility ("CLF")[4] Procedures to permit the CLF to be used to transfer a security interest in securities from a Limited Purpose Account ("LPA")[5] to a Pledgee Account.[6] Prior to the rule change, PTC's CLF Procedures provided only for the bulk movement of a security interest in securities from a Proprietary or

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Letter from Carol A. Jameson, Assistant Counsel, PTC, to Christina Sibille, Attorney, Commission (January 22, 1993). Amendment No. 1 clarified, as discussed *infra*, the reason for requiring that all Collateral Loan Facility transfers from a Limited Purpose Account be free deliveries and not versus payment.

[3] Securities Exchange Act Release No. 31810 (February 2, 1993), 58 FR 7824.

[4] The Collateral Loan Facility is a means by which PTC's Participants may, pursuant to PTC's Rules, transfer, in bulk or otherwise, securities to the Pledgee Account of another Participant. Section I of PTC's Procedures.

[5] A Limited Purpose Account is an account to which securities may be issued, deposited, or delivered free of payment, in which the entire interest in securities may be held free of PTC's lien. PTC's Rules, Article I, Rule 1.

[6] A Pledgee Account is an account established by a Participant to receive securities transferred by another Participant. PTC's Rules, Article I, Rule 1.

Agency Account[7] (and therefore not an LPA) of a Participant to the Pledgee Account of another Participant.[8] The proposed rule change also modifies the CLF Procedures to delete certain information (such as operational procedures for the CLF). Such material is contained in other documents, such as PTC's Participant Operating Guide and, therefore, is not necessary in these Procedures.

Under the proposed rule change, transfers via CLF can be made directly from an LPA to a Pledgee Account, provided such transfers are free (i.e., not versus payment). This limitation is necessary because, pursuant to PTC's Participant Operating Guide, securities transferred via CLF must be returned to the LPA in the same method (free or versus payment) that they were transferred. Since under PTC's Rules[9] securities may not be redelivered to an LPA versus payment, the modified Procedures will be limited to free deliveries.

II. Discussion

The Commission believes the proposed rule change is consistent with section 17A of the Act and, specifically, with sections 17A(b)(3) (A) and (F) thereunder.[10] Sections 17A(b)(3) (A) and (F) of the Act require that a clearing agency be organized and its rules be designed to enable it to promote the prompt and accurate clearance and settlement of securities transactions for which it is responsible.

The LPA is used primarily by Collateralized Mortgage Obligation ("CMO") trustees to hold the collateral underlying a CMO. Because a CMO trustee previously could not use the CLF to transfer securities in bulk from an LPA to a Pledgee Account, to accomplish overnight financing, a CMO trustee instead had to deposit securities into another account (e.g., an Agency Account), transfer the securities via CLF to the Pledgee Account of the overnight lender, then upon loan repayment transfer the securities back to the Agency Account for subsequent transfer to the LPA. This procedure is costly and labor intensive on the part of the Participant due to the fact that securities must be moved pool by pool to the LPA.[11] In contrast, the use of CLF technology for LPAs will reduce the time and expense needed to transfer securities from an LPA to a Pledgee Account. Thus, the procedure will provide Limited Purpose Participants with an efficient method to effect short-term financing.

In the original order granting PTC temporary registration as a clearing agency, the Commission noted that the CLF enhances a Participant's ability to borrow to meet its settlement obligations or to pay an increased debit balance when a Participant with whom it has dealt defaults.[12] In June of 1990, PTC's rules were amended to permit the LPA to be used for CMO transactions, stating that CMO trustees needed to place securities in an account free of PTC's Alien.[13] By permitting a CMO trustee to use the CLF to obtain short-term financing, the proposed rule change, therefore, will further enhance the utility of the LPA to CMO trustees and, ultimately, investors.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the Act, and in particular with section 17A of the Act, and with the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR-PTC-92-12) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-13263 Filed 6-4-93; 8:45 am]

BILLING CODE 8010-01-M

[7] A Proprietary Account is an account to which a Participant's proprietary securities (securities not held as an agent or pledgee) are credited. An Agency Account is an account through which a Participant may process transactions in which it is acting as agent for a third party, other than transactions in which a Participant is receiving pledged securities. PTC's Rules, Article I, Rule 1.

[8] Although the CLF could not be used to transfer a security interest from an LPA to Pledgee Account, PTC's Rules did permit a transfer of securities from an LPA of a Limited Purpose Participant (other than a Warehouse Lender or Special Clearing Participant) to a Pledgee Account. Given the limitation in the CLF Procedures, such a transfer could be made only via an individual securities movement (an "STX" transfer).

[9] Article II, Rule 13, Section 1 of PTC's Rules authorizes free transfers of securities only (i.e., not versus payment) from a Pledgee Account into an LPA

[10] 15 U.S.C. 78q-1(b)(3) (A) and (F) (1988).

[11] Participants also may use "trust receipt" financing to perfect a security interest in securities in an LPA for these overnight loans. PTC, in its filing with the Commission, stated that it understands that "trust receipt" financing is thought by some lenders to be less desirable than movement of the security interest to the lender's Pledgee Account to perfect security interests in the PTC-based collateral.

[12] Securities Exchange Act Release No. 26671 (March 28, 1989), 54 FR 13266.

[13] Securities Exchange Act Release No. 28078 (June 1, 1990), 55 FR 23625.

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

June 1, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Abex, Inc.
Common Stock, $.01 Par Value (File No. 7-10746)

Countrywide Mortgage Investment, Inc.
Common Stock, $.01 Par Value (File No. 7-10747)

Concorcia Grupa Dina S.A. de CV
American Depositary Shares, No Par Value (File No. 7-10748)

Echo Bay Finance Corp.
$1.75 Pfd (File No. 7-10749)

Payless Cashways, Inc.
Common Stock, $.01 Par Value (File No. 7-10750)

American Healthcare Management
Common Stock, $.01 Par Value (File No. 7-10751)

Buenos Aires Embotelladoro S.A.
American Depositary Shares, $.01 Par Value (File No. 7-10752)

Bankers Life Holding Corp.
Common Stock, $.001 Par Value (File No. 7-10753)

Castle & Cook Homes, Inc.
Common Stock, No Par Value (File No. 7-10754)

Corimon C.A.S.A.C.A.
American Depositary Shares, No Par Value (File No. 7-10755)

Ethan Allen Interiors
Common Stock, $.01 Par Value (File No. 7-10756)

Blanch (E.W.) Holdings, Inc.
Common Stock, $.01 Par Value (File No. 7-10757)

General Growth Properties, Inc.
Common Stock, $.10 Par Value (File No. 7-10758)

Interpool, Inc.
Common Stock, No Par Value (File No. 7-10759)

Managed High Income Portfolio
Common Stock, $.001 Par Value (File No. 7-10760)

Mercantile Bancorporation, Inc.
Common Stock, $5.00 Par Value (File No. 7-10761)

Industrie Natuzzi SPA
American Depositary Shares, 250 L (File No. 7-10762)

Royal Caribbean Cruises
Common Stock, $.01 Par Value (File No. 7-10763)

Cross Timbers Oil Co.
Common Stock, $.01 Par Value (File No. 7-10764)

Zurich Reinsurance Centre Holdings
Common Stock, $.01 Par Value (File No. 7-10765)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 22, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–13326 Filed 6–4–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

June 1, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Buenos Aires Embotelladora S.A.
American Depositary Receipts (representing 1/2 share of Common Stock, No Par Value) (File No. 7–10730)
Gull Laboratories, Inc.
Common Stock, $.001 Par Value (File No. 7–10731)
Putnam Investment Grade Intermediate Municipal Trust
Common Shares of Beneficial Interest, No Par Value (File No. 7–10732)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 22, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–13325 Filed 6–4–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

June 1, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Putnam Investment Grade Intermediate Municipal Trust
Common Stock, $.01 Par Value (File No. 7–10733)
Patriot Preferred Dividend Fund
Common Stock, $.01 Par Value (File No. 7–10734)
Pilgrim Regional Bank Shares, Inc.
Rights, Expiring July 16, 1993 (File No. 7–10735)
Ashland Oil, Inc.
$3.125 Cum. Cv. Pfd Stock (File No. 7–10736)
Rauch Industries, Inc.
Common Stock, $1.00 Par Value (File No. 7–10737)
Nuveen Missouri Premium Income Municipal Fund
Common Stock, $.01 Par Value (File No. 7–10738)
Nuveen Georgia Premium Income Municipal Fund
Common Stock, $.01 Par Value (File No. 7–10739)
Industrie Natuzzi SPA
American Depositary Shares, Par Value LIT 250 (File No. 7–10740)
Roadmaster Industries, Inc.
Common Stock, $.01 Par Value (File No. 7–10741)
Offshore Pipeline, Inc.
Common Stock, $.01 Par Value (File No. 7–10742)
Putnam Municipal Opportunities Trust
Commonn Stock, $.10 Par Value (File No. 7–10743)
Manitowoc Company, Inc.
Common Stock, $.01 Par Value (File No. 7–10745)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 22, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance affair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–13324 Filed 6–4–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19501; File No. 812–8394]

Provident Mutual Life Insurance Co. of Philadelphia et al.; Application for Exemption

June 1, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or the "Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Provident Mutual Life Insurance Company of Philadelphia ("Provident Mutual"), Provident Mutual Variable Annuity Separate Account (the "Account") and PML Securities Company ("PML" Securities") (collectively, "Applicants").

RELEVANT 1940 ACT SECTIONS: Order requested under section 6(c) of the 1940 Act for exemptions from sections 26(a)(2) and 27(c)(2) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek an order permitting them to deduct a daily charge from the assets of the Account for mortality and expense risks in connection with the offering of certain variable annuity contracts.

FILING DATE: The application was filed on May 12, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be

issued unless the Commission orders a hearing. Interested persons may request a hearing on this application by writing to the Secretary of the SEC and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on June 28, 1993 and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, by certificate. Hearing requests should state the nature of the interest, the reason for the request and the issues contested. Persons may request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants: Provident Mutual, 1600 Market Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: Barbara J. Whisler, Attorney, or Michael V. Wible, Special Counsel, both at (202) 272–2060, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: Following is a summary of the application, the complete application is available for a fee from the Public Reference Branch of the SEC.

Applicant's Representations

1. Provident Mutual, chartered under Pennsylvania law in 1865, is a mutual life insurance company and the depositor and sponsor of the Account.

2. The Account, established by Provident Mutual as a separate investment account under Pennsylvania insurance law on October 19, 1992, serves as a funding medium for certain flexible premium variable annuity contracts (the "Contracts"). The Account will register with the Commission under the 1940 Act as a unit investment trust. The application incorporates by reference the registration statement, currently on file with the Commission (File No. 33–62588), for the Account. The Account has six subaccounts.

3. The subaccounts of the Account will each invest exclusively in shares of a corresponding portfolio of the Market Street Fund, Inc. (the "Fund"). The Fund, organized as a Maryland corporation on March 21, 1985, is registered under the Act as an open-end diversified management investment company of the series type.

4. PML Securities, a wholly owned indirect subsidiary of Provident Mutual, will serve as the principal underwriter for the Contracts.

5. The Contracts are individual flexible premium deferred variable annuity contracts. The Contracts require a minimum initial premium payment of $2,000. Additional premium payments must be at least $100 for nonqualified Contracts and $50 for qualified Contracts. A Contract owner may allocate premium payments to one or more subaccounts of the Account, or, to the guaranteed account which is part of Provident Mutual's general account.

6. Prior to the first to occur of the maturity date or the death of the annuitant, a Contract owner may surrender all or a portion of the Contract account value or transfer Contract account values between the subaccounts. The Contract provides for a series of annuity payments beginning on the maturity date. The Contract owner may select the form of annuity from three fixed annuity options.

7. If an annuitant who is not the owner of the Contract dies prior to the maturity date, a death benefit is payable to the beneficiary upon receipt of due proof of death as well as proof that the annuitant died prior to the maturity date. The death benefit paid will be equal to the greater of: (a) The Contract account value on the date of receipt of due proof of death; or (b) the premiums paid, less any withdrawals and applicable surrender charges. If the owner dies prior to the maturity date, the application states that, with nonqualified Contracts, federal tax law requires that the Contract account value be distributed to the beneficiary within five years after the date of the owner's death. If an annuitant dies after the maturity date of the Contract, no death benefit will be paid.

8. Provident Mutual will deduct an annual Contract maintenance charge of $30 per Contract year. This charge will be deducted from the Contract account value on each Contract anniversary, upon a surrender or on the maturity date if other than a Contract anniversary. The application states that the charge is to compensate Provident Mutual for the administrative services provided to Contract owners. Applicants represent that this charge is guaranteed not to increase for the duration of the Contract. Applicants further represent that this charge will be deducted in reliance on Rule 26a–1 under the 1940 Act. No administration charge is payable during the annuity period.

9. A contingent deferred sales charge of up to 6% of the amount withdrawn is imposed on surrenders or withdrawals of Contract account value during the first six Contract years to cover expenses relating to sales of the Contracts, including commissions paid to registered representatives and other promotional expenses. The application states that the aggregate contingent deferred sales charges are guaranteed never to exceed 8.5% of premium payments.

10. Provident Mutual will impose a daily charge equal to an annual effective rate of 1.20% of the value of the net assets of the Account to compensate it for bearing certain mortality and expense risks in connection with the Contracts. Approximately .50% of the 1.20% charge is attributable to mortality risk, and approximately .70% is attributable to expense risk. The Contract, however, reserve for Provident Mutual the right to increase the charge to an annual rate of 1.25% of the value of the net assets of the Account. Provident Mutual guarantees that this charge will never exceed 1.25%. If the mortality and expense risk charge is insufficient to cover actual costs and assumed risk, Provident Mutual will bear the loss. Conversely, if the charge exceeds costs, this excess will be profit to Provident Mutual. Provident Mutual currently anticipates a profit from this charge.

11. Applicants state that the mortality risk borne by Provident Mutual arises from its contractual obligation to make annuity payments regardless of how long all annuitants or any individual annuitant may live. Applicants state that the expense risk assumed by Provident Mutual is the risk that Provident Mutual's actual administration costs will exceed the amount recovered through the Contract maintenance charge. Applicants state that Provident Mutual also incurs a risk in connection with the death benefit guarantee.

12. If premium taxes are applicable, Provident Mutual will deduct the taxes when such taxes are paid to the taxing authority, either: (a) From premiums as received; or (b) from Contract proceeds upon (i) a withdrawal from or surrender of the Contract account value or (ii) application of the proceeds to a payment option. Premium taxes may be as high as 3.5%. Provident Mutual may deduct other tax charges from the Account in the future.

13. For the fifth and each subsequent transfer request made by the Contract owner during a single Contract year, Provident Mutual will impose a $25 charge. Provident Mutual states that it does not anticipate any profit from this charge.

14. Shares of the various portfolios of the Fund will be sold to the subaccounts at net asset value. The Fund pays its investment adviser a fee for managing its investment and business affairs. Except as provided in the expense

reimbursement agreement between the Fund and Provident Mutual, each portfolio of the Fund is responsible for all of its expenses.

Applicants' Legal Analysis and Conditions

1. Applicants request that the Commission, pursuant to section 6(c) of the 1940 Act, grant the exemptions from sections 26(a)(2) and 27(c)(2) of the 1940 Act in connection with Applicants' assessment of the daily charge for the mortality and expense risk. Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act, in pertinent part, prohibit a registered unit investment trust and any depositor thereof or underwriter therefore from selling periodic payment plan certificates unless the proceeds of all payments (other than sales load) are deposited with a qualified bank as trustee or custodian and held under arrangement which prohibit any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services of a character normally performed by the bank itself.

2. Applicants submit that the mortality and expense risk charge is a reasonable charge to compensate Provident Mutual for the risks that: (a) Annuitants under the Contracts will live longer than was anticipated in setting the annuity rates guaranteed in the Contracts; (b) the Contract value will be less than the death benefit; and (c) administrative expenses will exceed the amounts derived from the Contract maintenance charge.

3. Provident Mutual represents that the charge of 1.25% for the mortality and expense risk assumed by Provident Mutual is within the range of industry practice with respect to comparable annuity products. The application states that this representation is based upon Provident Mutual's analysis of publicly available information about similar industry products, taking into consideration such factors as: Current charge levels; charge level guarantees; and guaranteed annuity rates. Applicants represent that Provident Mutual will maintain at its principal office, available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey.

4. Applicants acknowledge that the proceeds of surrender charges may not cover costs relating to distribution of the Contracts. Applicants also acknowledge that if a profit is realized from the mortality and expense risk charge, all or a portion of such profit may be viewed as being used to cover distribution expenses. The application represents that Provident Mutual has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit the Account and the Contract owners. The basis for such conclusion is set forth in a memorandum which will be maintained by Provident Mutual at its administrative offices and will be available to the Commission.

5. Provident Mutual also represents that the Account will invest only in management investment companies which undertake, in the event such company adopts a plan under Rule 12b-1 of the 1940 Act to finance distribution expenses, to have such plan formulated and approved by a board of directors or trustees, a majority of whom are not interested persons of such company within the meaning of the 1940 Act.

Conclusion

Applicants assert that for the reasons and upon the facts set forth above, the requested exemptions from sections 26(a)(2) and 27(c)(2) of the 1940 Act are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-13327 Filed 6-4-93; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements filed during the Week Ended May 28, 1993

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 48817
Date filed: May 25, 1993;
Parties: Members of the International Air Transport Association
Subject: CAC/Reso/176 dated May 12, 1993; Finally Adopted Resolutions R-1 to R-9; CAC/Meet/099 dated May 12, 1993—Minutes
Proposed Effective Date: November 1, 1993

Docket Number: 48820
Date filed: May 27, 1993
Parties: Members of the International Air Transport Association
Subject: Telex TC12 Mail Vote 633 South Atlantic-Europe/Mideast revalidation
Proposed Effective Date: October 1, 1993

Docket Number: 48821
Date filed: May 27, 1993
Parties: Members of the International Air Transport Association
Subject: Telex—Reso 024f Currency Fare Change—Spain
Proposed Effective Date: June 15/June 25, 1993

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 93-13304 Filed 6-4-93; 8:45 am]

BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended May 28, 1993

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 48823
Date filed: May 27, 1993
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 24, 1993
Description: Application of Pennsylvania Commuter Airlines, Inc., d/b/a Allegheny Commuter Airlines d/b/a USA Express, pursuant to section 401(d)(1) of the Act and subpart Q of the Regulations applies for a certificate of public convenience and necessity authorizing interstate and overseas scheduled air transportation of persons, property and mail.

Docket Number: 48824
Date filed: May 27, 1993
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 24, 1993
Description: Application of Quassar de Mexico, S.A. de C.V., pursuant to section 402 of the Act and subpart Q of the Regulations, applies for a Foreign Air Carrier Permit to provide charter foreign air transportation of

persons, property, and mail between points in the United States, and points in Mexico, and, subject to DOT Regulations between the United States and other points worldwide.

Docket Number: 44872

Date filed: May 25, 1993

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 22, 1993

Description: First Amendment To Application of Empresa Ecuatoriana de Aviacion (Ecuatoriana), pursuant to section 402 of the Act and subpart Q of the Regulations, requests renewal and amendment of its Foreign Air Carrier Permit issued in Order 84–5–32 and approved by the President of the United States on May 9, 1984.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 93–13305 Filed 6–4–93; 8:45 am]

BILLING CODE 4910–62–M

[Docket 37554]

Order Adjusting the Standard Foreign Fare Level Index

The International Air Transportation Competition Act (IATCA), Public Law 96–192, requires that the Department, as successor to the Civil Aeronautics Board, establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile (ASM). Order 80–2–69 established the first interim SFFL, and Order 92–4–7 established the currently effective two-month SFFL applicable through May 31, 1993.

In establishing the SFFL for the two-month period beginning June 1, 1993, we have projected non-fuel costs based on the year ended December 31, 1992 data, and have determined fuel prices on the basis of the latest available experienced monthly fuel cost levels as reported to the Department.

By Order 93–5–39 fares may be increased by the following adjustment factors over the October 1979 level:

Atlantic	1.5073
Latin America	1.3828
Pacific	1.9481
Canada	1.4308

FOR FURTHER INFORMATION CONTACT: Keith A. Shangraw, (202) 366–2439.

Dated: May 28, 1993.

By the Department of Transportation.

Patrick V. Murphy,

Acting Assistant Secretary for Policy and International Affairs.

[FR Doc. 93–13274 Filed 6–4–93; 8:45 am]

BILLING CODE 4910–62–M

Order Adjusting International Cargo Rate Flexibility Level

Policy Statement PS–109, implemented by Regulation ER–1322 of the Civil Aeronautics Board and adopted by the Department, established geographic zones of cargo pricing flexibility within which certain cargo rate tariffs filed by carriers would be subject to suspension only in extraordinary circumstances.

The Standard Foreign Rate Level (SFRL) for a particular market is the rate in effect on April 1, 1982, adjusted for the cost experience of the carriers in the applicable ratemaking entity. The first adjustment was effective April 1, 1983. By Order 92–4–9, the Department established the currently effective SFRL adjustments.

In establishing the SFRL for the two-month period beginning June 1, 1993, we have projected non-fuel costs based on the year ended December 31, 1992 data, and have determined fuel prices on the basis of the latest available experienced monthly fuel cost levels as reported to the Department.

By Order 93–5–40 cargo rates may be adjusted by the following adjustment factors over the April 1, 1982 level:

Atlantic	1.2154
Western Hemisphere	1.1345
Pacific	1.5074

FOR FURTHER INFORMATION CONTACT: Keith A. Shangraw, (202) 366–2439.

Dated: May 28, 1993.

By the Department of Transportation.

Patrick V. Murphy,

Acting Assistant Secretary for Policy and International Affairs.

[FR Doc. 93–13275 Filed 6–4–93; 8:45 am]

BILLING CODE 4910–62–M

Federal Aviation Administration

Approval of Noise Compatibility Program; Bismarck Municipal Airport, Bismarck, ND

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the City of Bismarck under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR part 150. These findings are made in recognition of the description of federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On September 11, 1992 the FAA determined that the noise exposure maps submitted by the City of Bismarck under part 150 were in compliance with applicable requirements. On March 9, 1993, the Administrator approved the Bismarck Municipal Airport noise compatibility program. Most of the recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Bismarck Municipal Airport noise compatibility program is March 9, 1993.

FOR FURTHER INFORMATION CONTACT: Irene R. Porter, Federal Aviation Administration, Airports District Office, 2000 University Drive, Bismarck, North Dakota 58504, (701) 250–4385. Documents reflecting this FAA action may be reviewed at this location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Bismarck Municipal Airport, effective March 9, 1993.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program that sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Bismarck—Airports District Office in Bismarck, North Dakota.

The City of Bismarck submitted to the FAA on June 3, 1991 the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from October 1989 through June 1991. The Bismarck Municipal Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on September 11, 1992. Notice of this determination was published in the Federal Register on October 7, 1992.

The Bismarck Municipal Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 2000. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on September 11, 1992 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained thirteen (13) proposed actions for noise mitigation on and off the Airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Assistant Administrator for Airports effective March 9, 1993.

Outright approval was granted for eleven (11) of the specific program elements. All five (5) of the noise abatement measures were approved. They included existing and new informal runway use programs, a new voluntary departure procedure and a 2,100 foot extension to runway 3–21. Of the five (5) land use measures, three (3) received outright approval. They included existing zoning recommendations, amendments to subdivision regulations and implementation of an informal fair disclosure process. All three (3) of the continuing program measures were also approved. They included program monitoring and contour updating, evaluation and updating the NCP and acknowledgement of noise complaints.

The two (2) land use measures that were partially approved included new noise overlay zoning and amendment of comprehensive plans. The disapproved portion of these measures proposed allowance of exceptions to noise compatibility guidelines inside the DNL 65 dB.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on March 9, 1993. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the City of Bismarck.

Issued in Bismarck, North Dakota on May 21, 1993.

Irene R. Porter,

Manager, Bismarck Airports District Office, FAA Great Lakes Region.

[FR Doc. 93–13309 Filed 6–4–93; 8:45 am]

BILLING CODE 4910–13–M

Noise Exposure Map Notice; Gulfport-Biloxi Regional Airport, Gulfport, MS

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Gulfport-Biloxi Regional Airport under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193) and 14 CFR part 150 are in compliance with applicable requirements.

EFFECTIVE DATE: The effective date of the FAA determination on the noise exposure maps is May 21, 1993.

FOR FURTHER INFORMATION CONTACT: Walter Bauer, Program Manager, Atlanta Airports District Office, 1680 Phoenix Blvd, suite 101, College Park, Georgia, 30349. Telephone: (404) 994–5306.

SUPPLEMENTARY INFORMATION: This notice announces that FAA finds that the noise exposure maps for Gulfport-Biloxi Regional Airport are in compliance with applicable requirements of part 150, effective May 21, 1993.

Under section 103 of title I of the Aviation Safety and Noise Abatement Act of 1979 (herein referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of the Federal Aviation Regulations (FAR) part 150, promulgated pursuant to the title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing or noncompatible uses and for the preventions of introduction of additional noncompatible uses.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by Gulfport-Biloxi Regional Airport Authority. The specific maps under consideration are the Base Case (1982) Noise Contours,

and Future (1997) Noise Contours, pages 11–2 and 11–3 of Volume 1. Noise Exposure Map Report, FAR Part 150 Noise Compatibility Study, in the submission. The FAA has determined that these maps for Gulfport-Biloxi Regional Airport are in compliance with applicable requirements. This determination is effective on May 21, 1993. FAA's determination on an airport's noise exposure maps is limited to finding that the maps are developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative location of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR part 150, that the statutory required consultation has been accomplished.

Copies of the noise exposure maps are available for examination at the following locations:

Federal Aviation Administration, Atlanta Airports District Office, 1680 Phoenix Parkway, suite 101, College Park, Georgia 30349

Mr. Bruce Frallic, Executive Director, Gulfport-Biloxi Regional Airport Authority, 14035–L Airport Road, Gulfport, MS 39501.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Southern Region, Atlanta, Georgia, May 21, 1993.

Howard M. Robinson,

Acting Manager, Atlanta Airports District Office.

[FR Doc. 93–13310 Filed 6–4–93; 8:45 am]

BILLING CODE 4910–13–M

Report on the Carrying Capacity of the Airspace Over the Grand Canyon National Park; Meetings

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FAA is conducting a study on increased air traffic over the Grand Canyon National Park. This study will be the subject of two informal public meetings. These meetings will provide the public with an opportunity to participate in this study. All comments received at these meetings will be considered prior to the issuance of the report.

DATES: The public meetings will be held on June 28 and June 30, 1993, starting at 7 p.m. Written comments are also invited and must be received on or before August 15, 1993.

ADDRESSES: The public meetings will be held as follows:

Monday, June 28, 1993

Phoenix Sky Harbor International Airport, Air National Guard Operations Auditorium, 2001 South 32nd Street, Phoenix, Arizona

Wednesday, June 30, 1993

Las Vegas McCarren International Airport, 5th Floor Airport Terminal Conference Room, Las Vegas, Nevada

Persons unable to attend the meetings may mail their comments in triplicate to: Manager, Air Traffic Division, AWP–500, Attention: Grand Canyon Study, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, California, 90009–2007.

FOR FURTHER INFORMATION CONTACT:

Requests to present a statement at the meeting or questions regarding the subject matter of the meeting should be directed to Mr. James Snavely, System Management Branch, AWP–530, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009–2007; telephone (310) 297–1180; telefax (310) 297–1645.

SUPPLEMENTARY INFORMATION:

Background

The Aviation Noise Improvement and Capacity Act of 1992 (Pub. L. 102–581) requires the Federal Aviation Administration (FAA) to report on the following:

1. The increase in air traffic over the Grand Canyon National Park since 1987.
2. A forecast of the increase in air traffic over the Grand Canyon National Park through the year 2010.
3. The carrying capacity of the airspace over the Grand Canyon National Park to ensure aviation safety and to meet the requirements established by section 3 of the National Parks Overflights Act of August 18, 1987 (Public Law 100–91; 101 Stat. 676), including the substantial restoration of natural quiet at Grand Canyon National Park.
4. A plan of action to manage increased air traffic over the Grand Canyon National Park to ensure aviation safety and to meet the requirements established by section 3 of Public Law 100–91, including any measures to encourage or require the use of quiet aircraft technology by commercial air tour operators.

Participation at the Meeting

Requests from persons who wish to present oral statements at the public meetings should be submitted to Mr. James Snavely at the address listed in the section titled "**FOR FURTHER INFORMATION CONTACT**" no later than June 23, 1993. Such requests should include a written summary of remarks to be presented and an estimate of time needed for the presentation. Requests received after the date specified above will be scheduled if there is time available during the meeting; however, the names of those individuals may not appear on the written agenda. The FAA will prepare an agenda of speakers that will be available at the meeting. To accommodate as many speakers as possible, the amount of time allocated to each speaker may be less than the amount of time requested.

Meeting Procedures

The following procedures are established to facilitate the meeting:

(a) There will be no admission fee or other charge to attend or to participate in the meeting.

(b) This meeting will be informal in nature and will be conducted by a designated representative of the Administrator, FAA Western-Pacific Region. Each participant will be given an opportunity to make a presentation, although a time limit may be imposed

(c) Any person wishing to make a presentation at the meeting must notify the FAA prior to the meeting and provide an estimate of the time needed for the presentation. This procedure will permit allocation of an appropriate amount of time for each presenter. The FAA may allocate the time available for each presentation to accommodate all speakers. Everyone who has provided advance notice will have the opportunity to address the panel. Time will also be set aside for brief, unscheduled comments. The meeting will be adjourned at any time if all persons present have had the opportunity to speak.

(d) Any person who wishes to present a position paper to the FAA, pertinent to the report on the carrying capacity of the airspace over the Grand Canyon National Park, may do so. Persons wishing to distribute pertinent position papers to the attendees should present 10 copies of all materials to the panel members. Additional copies of each handout should be available for other attendees.

(e) Materials relating to the report on the carrying capacity of the airspace over the Grand Canyon will be accepted at the meeting. Every reasonable effort will be made to hear every request for presentation consistent with a reasonable closing time for the meeting. Persons may submit written comments by August 15, 1993, whether they attend the meetings or not.

(f) Statements made by members of the meeting panel are intended to facilitate discussion of the issues or to clarify issues. Any statement made during the meeting by a member of the panel is not intended to be, and should not be construed, as a position of the FAA.

(g) The meeting is designed to solicit public views and more complete information on the capacity of the airspace over Grand Canyon National Park. Therefore, the meeting will be conducted in an informal and nonadversarial manner. No individual will be subject to cross-examination by any other participant; however, panel members may ask questions to clarify a statement and to ensure a complete and accurate record.

Authority: 49 U.S.C. App. 1302, 1303, 1348, 1354(a), 1421(a), 1424, 2451 et seq.; 49 U.S.C. 106(g).

Issued in Washington, DC, on May 28, 1993.

Willis C. Nelson,

Assistant Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 93–13313 Filed 6–4–93; 8:45 am]

BILLING CODE 4910–13–M

Intent to Rule on Application to Use the Revenue From a Passenger Facility Charge (PFC) at the Greater Rockford Airport, Rockford, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at the Greater Rockford Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before July 7, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon, room 258, Des Plaines, Illinois 60018.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Frederick C. Ford, Executive Director of Aviation of the Greater Rockford Airport Authority at the following address: Greater Rockford Airport Authority, Greater Rockford Airport, Rockford, Illinois 61125.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Greater Rockford Airport Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Louis H. Yates, Manager, Chicago Airports District Office, 2300 East Devon, room 258, Des Plaines, Illinois 60018, (312) 694–7335. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at the Greater Rockford Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On May 24, 1993, the FAA determined that the application to use the revenue from a PFC submitted by the Greater Rockford Airport Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than September 2, 1993.

The following is a brief overview of the application.

Level of PFC: $3.00.

Actual charge effective date: October 1, 1992.

Estimated charge expiration date: October 1, 1996.

Total approved net PFC revenue: $1,177,348.

Brief description of proposed project(s):

a. Complete extension of runway 6.

b. Construct parallel taxiway to runway 6 extension.

c. Acquire Parcel P.

d. Rehabilitate runway 18/36.

e. Environmental assessment and part 150 update.

f. Upgrade security to meet § 107.14.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi operators.

Any person may inspect the application in person at the FAA office listed above under "FOR FURTHER INFORMATION CONTACT."

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Greater Rockford Airport Authority.

Issued in Des Plaines, Illinois on May 27, 1993.

Prescott C. Snyder,

Acting Manager, Airports Division, Great Lakes Region.

[FR Doc. 93–13308 Filed 6–4–93; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

Agenda for Second Research and Development Meeting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting at which NHTSA will describe and discuss specific research and development projects.

DATES AND TIMES: The Agency's meeting devoted exclusively to presentations of specific research and development projects will be held on June 23, 1993, beginning at 1:30 p.m. and ending at approximately 5 p.m. It may start at an earlier time, if the NHTSA Technical Industry Meeting set for that morning concludes soon enough. Questions may be submitted in advance regarding the Agency's frontal and rollover crash protection research projects. They must

be submitted in writing by June 16 to the address given below. If sufficient time is available, questions received after the June 16 date will be answered at the meeting in the discussion period. The individual, group or company asking a question does not have to be present for the question to be answered. A consolidated list of the questions submitted by June 16 will be mailed to interested personnel by June 18 and will be available at the meeting.

ADDRESSES: The meeting will be held at the Ramada Inn, near Detroit Metro, 8270 Wickham Rd., Romulus, MI 48174. Questions for the June 23, 1993 meeting relating to the Agency's research and development programs, as described below, should be submitted to George L. Parker, Associate Administrator for Research and Development, NRD–01, National Highway Traffic Safety Administration, Room 6206, 400 Seventh St. SW, Washington, DC 20590. The fax number is 202–366–5930.

SUPPLEMENTARY INFORMATION: NHTSA intends to provide detailed presentations about its research and development programs in a series of quarterly public meetings. The first meeting of the series was held on April 6,1993, at which time NHTSA officials from the Office of Research and Development provided a summary overview of research and development projects in the areas of crashworthiness and crash avoidance. The second meeting is scheduled for June 23, 1993. On May 17, NHTSA published a notice (58 FR 28909) requesting suggestions for research and development topics to be presented at the meeting, with a deadline of May 28 for receipt of suggestions. The notice listed a number of possible topics from the Agency's current research and development program for commenters to choose from. Seven commenters made suggestions, some offering their priorities for the topics. NHTSA has used the suggestions as a basis for selecting specific topics on which to make presentations. The Agency has chosen to make detailed presentations about research on upgrading frontal crash protection and upgrading rollover crash protection. The presentation on rollover protection will include the topics of structural integrity, door latch integrity, and glass-plastic glazing.

This meeting is preceded on the same day by the NHTSA Technical Industry Meeting, which was announced on May 24, 1993 (58 FR 29852).

Questions regarding frontal and rollover crash protection and the Agency's other research projects that have been submitted in writing in advance will be answered as time permits. At subsequent meetings the Agency will give detailed presentations on other research program areas and respond to questions. A transcript of the meeting and copies of the suggestions offered by commenters will be available for public inspection in the NHTSA Technical Reference Section, room 5108, 400 Seventh Street, SW, Washington, DC 20590. The Technical Reference Section is open to the public from 9:30 a.m. to 4 p.m.

NHTSA will provide technical aids to participants as necessary, during the NHTSA Industry Research and Development Meeting. Thus any person desiring assistance of "auxiliary aids" (e.g. sign-language interpreter, telecommunication devised for deaf persons (TTDs), readers, taped texts, braille materials, or large print materials and/or a magnifying device), please contact Barbara Coleman on 202/366–1537 by COB June 14, 1993.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Strombotne, Special Assistant for Technology Transfer Policy and Programs, Office of Research and Development, 400 Seventh Street, SW, Washington, DC 20590. Telephone: 202–366–4730. Fax number: 202–366–5930.

Issued: June 1, 1993.

George L. Parker,

Associate Administrator for Research and Development.

[FR Doc. 93–13272 Filed 6–4–93; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 93–38; Notice 1]

The Goodyear Tire and Rubber Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

The Goodyear Tire and Rubber Company (Goodyear) of Akron, Ohio, has determined that some of its tires fail to comply with 49 CFR 571.119, "New Pneumatic Tires for Vehicles Other Than Passenger Cars," (Federal Motor Vehicle Safety Standard (FMVSS) No. 119), and has filed an appropriate report pursuant to 49 CFR part 573. Goodyear has also petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of recipient of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgement concerning the merits of the petition.

In March of 1993, Goodyear manufactured 1,246 Marathon Trailer Tires that bear incorrect maximum load ratings on the serial sidewalls. The subject tires were marked "Max load 1620 lbs at 50 psi cold" on the serial side. The tire marking should read "Max load 1820 lbs at 50 psi cold." The non-serial side is marked correctly.

Paragraph S6.5(d) of Standard No. 119 specifies that each tire be labeled with the maximum load rating and corresponding inflation pressure of the tire.

Goodyear supports its petition for inconsequential noncompliance with the following:

> The Goodyear Tire and Rubber Company believes that this noncompliance is inconsequential to motor vehicle safety. All other labeling requirements as specified by 571.119, paragraph S6.5 (a) through (j) are correct and comply [with] the standard. The correct maximum load is shown on the non-serial sidewall and even if the incorrect maximum load on the serial sidewall was followed, it is 200 pounds [per square inch] less than the prescribed maximum load and would therefore not cause an unsafe condition.

Interested persons are invited to submit written data, views, and arguments on the petition of Goodyear, described above. Comments should refer to the Docket Number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the petition is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: July 7, 1993.

Authority: 15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued on: June 1, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93–13251 Filed 6–4–93; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

May 28, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0879.
Regulation ID Number: IA-195-78 Final.
Type of Review: Extension.
Title: Certain Returned Magazines, Paperbacks, or Records.
Description: The Regulations provide rules relating to an exclusion from gross income for certain returned merchandise. The regulations provide that in addition to physical return of the merchandise, a written statement listing certain information may constitute evidence of the return. Taxpayers who receive physical evidence of the return may, in lieu of retaining physical evidence, retain documentary evidence of the return. Taxpayers in the trade or business of selling magazines, paperbacks, or records, who elect to use a certain method of accounting, are affected.
Respondents: Businesses or other for-profit.
Estimated Number of Respondents: 19,500.
Estimated Burden Hours Per Recordkeeper: 25 minutes.
Frequency of Response: Other.
Estimated Total Recordkeeping Burden: 8,125 hours.
Clearance Officer: Garrick Shear, (202) 622-3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 93-13341 Filed 6-4-93; 8:45 am]
BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

June 1, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515-0004.
Form Number: CF 7505 and CF 7505-A.
Type of Review: Extension.
Title: Warehouse Withdrawal for Consumption.
Description: This document is necessary to provide an accounting method for recording each separate withdrawal, and to satisfy the cashier/liquidator/public receipt and documentary requirements.
Respondents: Individuals or households, Businesses or other for-profit, Small Businesses or organizations.
Estimated Number of Respondents/Recordkeepers: 1,850.
Estimated Burden Hours Per Respondent/Recordkeeper:
Form 7505—6 minutes.
Form 7505-A—6 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 81,018 hours.
OMB Number: 1515-0026.
Form Number: CF 3078.
Type of Review: Extension.
Title: Application for Identification Card.
Description: CF 3078 is used by licensed cartmen, lightermen, warehousemen, brokerage firms, foreign trade zones, container stations operators, their employees and employees requiring access to Customs security areas to apply for an identification card so that they may legally handle merchandise which is in Customs custody.
Respondents: Individuals or households, Businesses or other for-profit, Small Businesses or organizations.
Estimated Number of Respondents: 7,000.
Estimated Burden Hours Per Respondent: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 5,250 hours.
OMB Number: 1515-0175.
Form Number: None.
Type of Review: Extension.
Title: Documents Aboard Private Aircraft.
Description: The documents required by Customs Regulations with reference to private aircraft arriving from foreign country pertain only to baggage declarations. This amendment will require pilots to present to Customs documents required by the FAA to be on the plane.
Respondents: Businesses or other for-profit.
Estimated Number of Respondents: 144,000.
Estimated Burden Hours Per Respondent: 10 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 2,390 hours.
Clearance Officer: Ralph Meyer, (202) 927-1552, U.S. Customs Service, Paperwork Management Branch, room 6316, 1301 Constitution Avenue, NW., Washington, DC 20229.
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports Management Officer.
[FR Doc. 93-13342 Filed 6-4-93; 8:45 am]
BILLING CODE 4820-02-M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.
ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collections and supporting

documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233-3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395-7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by July 7, 1993.

Dated: May 26, 1993.

By direction of the Secretary:

B. Michael Berger,

Director, Records Management Service.

Revision

1. Application for Accrued Benefits by Veteran's Surviving Spouse, Child or Dependent Parent, VA Form 21-551

2. The form is used to gather the necessary information to determine a claimant's entitlement to accrued benefits during a veteran's hospitalization or domiciliary care.

3. Individuals or households

4. 1,000 hours

5. 20 minutes

6. On occasion

7. 3,000 respondents

Extension

1. Information From Remarried Widow/er, VA Form 21-4103

2. The form is used to gather information necessary to determine if a child meets the requirements for pension benefits.

3. Individuals or households

4. 3,000 hours

5. 20 minutes

6. On occasion

7. 9,000 respondents

Extension

1. Notice—Payment Not applied, VA Form 29-4499a

2. The form is used by policyholders to reinstate their Government Life Insurance. The information collected is used by VA to determine the insured's eligibility for reinstatement.

3. Individuals or households

4. 300 hours

5. 15 minutes

6. On occasion

7. 1,200 respondents

Extension

1. Request for Supplemental Information on Medical and Nonmedical Applications, VA Form Letter 29-615

2. The information collected is used by VA to determine the insured's eligibility for reinstatement, change of plan, or a new issue of Government Life Insurance.

3. Individuals or households

4. 3,000 hours

5. 20 minutes

6. On occasion

7. 9,000 respondents

[FR Doc. 93-13347 Filed 6-4-93; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 107
Monday, June 7, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Thursday, June 10, 1993, 10:00 a.m.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

Fireworks Fuse Petition HP 91-2

The Commission will consider petition HP 91-2 from the American Pyrotechnics Association requesting an increase in the fuse burn time allowed under the Commission's fireworks regulations.

For a recorded message containing the latest agenda information, call (301) 504-0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 (301) 504-0800.

Dated: June 2, 1993.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 93-13491 Filed 6-3-93; 3:40 pm]

BILLING CODE 6355-01-M

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Wednesday, June 9, 1993, 10:00 a.m.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

Cigarette Lighters

The Commission will consider a rule under the Consumer Product Safety Act to require disposable and novelty cigarette lighters to meet certain requirements for child resistance.

For a recorded message containing the latest agenda information, call (301) 504-0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 (301) 504-0800.

Dated: June 2, 1993.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 93-13492 Filed 6-3-93; 3:40 pm]

BILLING CODE 6355-01-M

Corrections

Federal Register
Vol. 58, No. 107
Monday, June 7, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 993

[Docket No. FV-92-084FR]

Extension of Date for Disposition of Undersized Dried Prunes Produced In California

Correction

In rule document 93-5788 beginning on page 13697 in the issue of Monday, March 15, 1993, make the following corrections:

1. On page 13697, in the third column, in the third full paragraph, in the next to last line, "handler" should read "handlers".

2. On page 13698, in the first column, in the third full paragraph, in the ninth line, "of" should be removed.

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 799

[Docket No. 910813 2323]

Administrative Exceptions and Favorable Consideration Treatment for Country Group W; Telecommunications Equipment for Country Groups Q and Y; Revisions, Clarifications, and Corrections to the Commerce Control List

Correction

In rule document 92-30966 beginning on page 61259 in the issue of Thursday, December 24, 1992, make the following corrections:

1. On page 61282, in § 799.1, in category 6, ECCN 6A02A, in the second column, in the 10th line, "90 nm," should read "900 nm,".

2. On page 61284, in § 799.1, in category 6, ECCN 6E01A, in the second column, under **Notes: 1.**, in the next to last line, "unable" should read "usable".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672 and 675

[Docket No. 921185-3021]

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area

Correction

Rule document 93-12126, beginning on page 29564 in the issue of Friday, May 21, 1993, was published in the "Proposed Rules" section of the issue. It should have appeared in the "Rules" section.

BILLING CODE 1505-01-D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-93-3621; FR 3432-N-01]

Funding Availability for the HUD-Administered Small Cities Community Development Block Grant (CDBG) Program— Fiscal Year 1993

Correction

In notice document 93-12916 beginning on page 31440 in the issue of Wednesday, June 2, 1993 make the following correction:

. On page 31460, in the third column, under **Appendix A**, in the fourth line, "June 1993," should read "June 9, 1993,".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

Illinois Permanent Regulatory Program

Correction

In proposed rule document 93-11588 beginning on page 28804 in the issue of Monday, May 17, 1993, on page 28806, in the 1st column, in the 2d full paragraph, in the 11th line, "$1,000" should read "$1,100".

BILLING CODE 1505-01-D

federal register

Monday
June 7, 1993

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary

24 CFR Parts 905 and 960

Public and Indian Housing Waiver of Eligibility Requirements for Police Officers and Security Personnel; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Parts 905 and 960

[Docket No. R-93-1643; FR-2972-P-01]

RIN 2577—AA94

Public and Indian Housing Waiver of Eligibility Requirements for Police Officers and Security Personnel

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Proposed rule.

SUMMARY: This regulation would implement section 519 of the Cranston-Gonzalez National Affordable Housing Act (NAHA) by amending existing regulations to permit public housing agencies (PHAs) and Indian housing authorities (IHAs) (hereinafter, both public housing agencies and Indian housing authorities will be referred to as HAs, unless a specific reference to a PHA or IHA is applicable) to allow police officers and other security personnel not otherwise eligible for occupancy to reside in public or Indian housing dwelling units under a plan that will increase security for housing residents while minimizing both the reduction of available public and Indian housing dwelling units for eligible families and the loss of income to HAs.

DATES: *Comment due date:* August 6, 1993.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Regarding public housing: Edward Whipple, Director, Occupancy Division, Office of Assisted Housing, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., room 4206, Washington, DC 20410, telephone (202) 708-0744. A telecommunications device for speech and hearing impaired persons (TDD) is available at (202) 708-0850. (These are not toll-free telephone numbers.)

Regarding Indian housing: Dominic Nessi, Director, Office of Indian Housing, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., room 4140, Washington, DC 20410, telephone (202) 708-1015. A telecommunications device for speech and hearing impaired persons (TDD) is available at (202) 708-0850. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520). No person may be subjected to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register**.

Public reporting burden for the collection of information requirements contained in this rule are estimated to include the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Information on the estimated public reporting burden is provided under the Preamble heading, *Others Matters*. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street SW., room 10276, Washington, DC 20410-0500; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for HUD, Washington, DC 20503.

Background

This rule would amend 24 CFR parts 905 and 960 to implement section 519 of the Cranston-Gonzalez National Affordable Housing Act (NAHA), approved November 28, 1990, Public Law 101-625. A new § 905.307 would be added to subpart D (Operation) of part 905 (Indian Housing Programs), and part 960 (Admission To, And Occupancy Of, Public Housing) would be amended by adding a new subpart E.

Section 519 (42 U.S.C. 1437a-1) specifically authorizes the Department to permit HAs to allow police officers and other security personnel (Officers) not otherwise eligible for residence in public and Indian housing to reside in dwelling units in accordance with certain conditions. Through the operation of section 527 of NAHA, which makes "the provisions of this subtitle that modify the public housing program under title I of the United States Housing Act of 1937" applicable to Indian Housing Authorities (IHAs), section 519 also applies to IHAs. Although this proposed rule has separate amendments for IHAs in part 905 and PHAs in part 960, the text of the two amendments does not differ.

The Department does not intend by this proposed rule to affect certain other uses of HA space, e.g., undercover police investigations and resident HA employees. These uses are already addressed by other authorities, such as regulations and handbooks, outside the scope of this proposed rule. The use of HA housing space for undercover police operations or to provide dwelling units for HA employees, including HA security personnel, would remain subject to the policies and procedures already set forth in those other authorities.

The Department also does not intend this proposed rule to apply to persons who would be eligible for HA housing even without the waiver that section 519 contemplates. Anyone who meets other eligibility requirements, even though also coincidentally an Officer as defined, would have to be admitted to HA housing on the basis of those other eligibility requirements. This threshold limitation is present in the definition of *Plan*, which appears at §§ 905.307(b) and 960.503 of the proposed rule.

To be eligible to use units as provided by this section of the NAHA, an HA would submit a plan to the Department that, among other requirements, identifies the total number of units under management by the HA; the specific housing developments, and the number of units they contain, where the HA intends to place Officers; and the particular units (stating number of bedrooms) within each development that would be allocated to Officers. The full Plan requirements are found at §§ 905.307(d) and 960.507 of the proposed rule. Because the Department intends that each plan will be reviewed and approved by the local HUD Field Office or Office of Indian Programs, §§ 905.307(c)(2) and 960.505(b) of the proposed rule call for submission directly to those offices.

Section 519 of the NAHA requires that the Department notify each HA submitting a plan of HUD's approval or disapproval of the plan not later than thirty days after the Department receives

the plan. Accordingly, this requirement is set forth in §§ 905.307(c)(3) and 960.505(c) of the proposed rule. Plan approval by the Department constitutes granting of the waiver of the eligibility requirements that would otherwise be applicable. The provisions of section 106 of the Department of Housing and Urban Development Reform Act of 1989 (Reform Act) (Pub. L. 101–235, approved December 15, 1989) and the Department's procedures, published in a Notice on Monday, April 22, 1991 (56 FR 16337), that govern the waiver of its regulations in accordance with the Reform Act, are not applicable to the waivers that would be granted under this rule. This is because the waiver is a statutorily-authorized "built-in" waiver. In addition, as the waiver procedures state (at 56 FR 16339), "any action establishing guidance that applies to all individuals or entities that are in similar circumstances, are not subject to this Notice." This rule would establish such guidance for all PHAs, IHAs, and Officers in similar circumstances.

An HA would use the following unit allocation table, found at §§ 905.307(d)(3) and 960.507(c), in determining the maximum number of dwellings to be allocated to Officers:

UNIT ALLOCATION TABLE

Total units under management	Maximum number of units to be allocated
500–999	5
1000–4999	10
5000–9999	15
10,000+	20

The maximum number of units to be allocated by HAs with less than 500 units under management would be determined by the Field Office or Office of Indian Programs on a case by case basis. In order to exceed the number of units to be allocated to Officers shown in this table, an HA would have to certify, as part of its Plan, that there are no eligible families for the units proposed to be allocated to Officers.

Before authorizing the allocation of units to Officers who are not otherwise eligible, the Department must determine that such use will, (1) increase security for other HA tenants; (2) result in a limited loss of income to the HA; and (3) not result in a significant reduction of units available for residence by families eligible for residence under the United States Housing Act of 1937. These three prerequisites are mandated by section 519 of NAHA and broadly state the basic objective of the section and the two constraints within which that objective is to be met. The unit allocation table shown above is intended to implement both constraints: Limited loss of income and no significant reduction of units available for families that are eligible for HA housing. The language following the allocation table further provides that no resident may be moved from a unit to make it available for occupancy by an Officer under the Plan. This limitation is imposed as a means of assuring that the primary objective of the HA programs is not subordinated to the purpose of this section of the NAHA. The Department believes that forcing residents to move would be unduly disruptive.

As a further limitation on the loss of income to the HA, Officers to whom units are leased under this section of NAHA would be required to pay a reasonable rent, although it may be a fixed amount with no relationship to income. To permit flexibility, however, in balancing loss of income concerns against the need for attracting Officers into the development, the proposed rule does not define "reasonable", but leaves it to the HA to set the rent amount and requires the HA to demonstrate the reasonableness of the amount in the Plan. This requirement is found in §§ 905.307(d)(4) and 960.507(d) of the proposed rule.

In order to effectuate the main objective of this section of NAHA, i.e., to increase the level of security for other residents, the Department proposes to require certain information from the HA as part of its plan submission. The Plan would be required to include a specific statement of the anticipated benefits and to describe the extent of the crime problem in and around affected developments. These requirements are found in §§ 905.307(d)(4)(iv) and (5), and 960.507(d)(4) and (e) of the proposed rule.

As an additional assurance of an increase in the general level of security, the proposed rule would be limited in its applicability to *professional* police or security personnel, i.e., persons who are compensated for providing such services full time and who meet all relevant tribal, State or local government insurance, licensing, certification, training, bonding, or other similar requirements. This is accomplished through the definition of "Officer" contained in §§ 905.307(b) and 960.503 of the proposed rule.

Under the proposed rule, Officers would be subject to certain lease requirements. These requirements are found at §§ 905.307(e) and 960.509, and are imposed under section 519(d) of the NAHA, which authorizes the Department to "permit * * * such special rent requirements and other terms and conditions of occupancy that the Department considers appropriate." 42 U.S.C. § 1437a–1(d).

The units occupied by Officers in accordance with Plans implemented under this proposed rule would not be unique in any way, other than the fact that the eligibility requirements have been waived for admission of the occupants. With that exception, the units would be subject to the terms and conditions of the annual contributions contract (ACC) that governs all of the other units managed by the HA. This rule would not override any of the terms and conditions of the ACC except insofar as they are inconsistent with its provisions. This fact is made clear by §§ 905.307(f)(1) and 960.511(a) of the proposed rule.

Also, the Department would count rental income from units allocated to Officers under this proposed rule as "other income," but would not count units so allocated in computing the total "units months available," for purposes of the HA's annual subsidy calculations under the Performance Funding System, set forth in 24 CFR part 905, subpart J, and 24 CFR part 990. This treatment is established in §§ 905.307(f)(2) and 960.511(b) of the proposed rule.

Other Matters

Public Reporting Burden

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520).

The Department has determined that the following provisions contain information collection requirements:

Section	Number of respondents	Frequency of responses	Estimated average response time (in hours)	Estimated annual burden (in hours)
905.307(d) and 960.507	800	1	2	1,600

Executive Order 12291

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. An analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that the rule does not have a significant economic impact on a substantial number of small entities. The rule is limited to waiving the public and Indian housing admissibility criteria for certain police and security personnel. By its terms, the rule limits the number of units that would be subject to such waivers, thereby limiting the economic impact on all PHAs and IHAs, including any that may be small entities.

Environmental Review

A finding of no significant impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The finding of no significant impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the office of the Rules Docket Clerk at the above address.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive order 12612, *Federalism*, has determined that the policies contained in this rule will not have substantial direct effects on states or their political subdivisions, or the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the order. The rule will effect a minor exception to a previously existing scheme of federal assistance to programs run by state and local government, but it will not alter the existing division of responsibility among federal, state and local governments.

Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive order 12606, *The Family*, has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being, and thus the rule is not subject to review under the order. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

Regulatory Agenda

This rule was listed as sequence number 1502 in the Department's Semiannual Agenda of Regulations published on November 3, 1992 (57 FR 51394, 51436) in accordance with Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects

24 CFR Part 905

Aged, Grant programs—housing and community development, Grant programs—Indians, Handicapped, Indians, Loan programs—housing and community development, Loan programs—Indians, Low and moderate income housing, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 960

Aged, Grant programs—housing and community development, Handicapped, Public housing.

Accordingly, the Department proposes to amend 24 CFR parts 905 and 960 as follows:

PART 905—INDIAN HOUSING PROGRAMS

1. The authority citation for 24 CFR part 905 would be revised to read as follows:

Authority: 25 U.S.C. 450e(b); 42 U.S.C. 1437a–1, 1437aa, 1437bb, 1437c, 1437cc, 1437d(c)(4)(D), 1437ee, and 3535(d).

2. 24 CFR part 905 would be amended by adding a new § 905.307 to read as follows:

§ 905.307 Waiver of eligibility requirements for police officers and other security personnel.

(a) *Purpose and scope.* The purpose of this section is to permit the admission to Indian housing of Officers, as defined in this section, who are not otherwise eligible for such housing under any other admission requirements or procedures, under a Plan submitted by the IHA and approved by the Department, and to set forth standards and criteria for the approval of such Plans. The Department's objective in granting the waivers allowed by this section is:

(1) To permit long term residence in Indian housing developments by Officers, whose visible presence is expected to serve as a deterrent to criminal activity in and around Indian housing, thereby increasing security for Indian housing residents; and

(2) To limit both the loss of income to the IHA and the reduction of units available for residence by Eligible Families as a result of residence by Officers.

(b) *Definitions.* For the purposes of this section:

Department means the U.S. Department of Housing and Urban Development (HUD). For purposes of Plan submission and approval, Department refers to the local HUD Office of Indian Programs.

Eligible families means families that are eligible for residence in Indian housing assisted under the United States Housing Act of 1937.

Officer means a professional police officer or other professional security provider. Police officers and other security personnel are considered professional if they meet all relevant tribal, State or local government insurance, licensing, certification, training, bonding, or other similar requirements, and are employed full time, i.e., not less than 35 hours per week, by a governmental unit or a private employer, and are compensated expressly for providing police or security services. As used in this section, "Officer" may refer to the

Officer as so defined, or to the Officer and his or her family taken together, depending on the context.

Plan means the written plan submitted by an Indian housing authority (IHA) to the Department, which, if approved by the Department, serves to waive the eligibility requirements for residence in Indian housing developments to allow Officers, who are otherwise not eligible, to reside in Indian housing units. An IHA may have only one Plan in effect at any one time, which Plan will govern waivers under this section for all housing developments managed by that IHA.

(c) *Waiver of eligibility requirements; plan submission; plan approval or disapproval*—(1) *Plan approval constitutes a waiver.* The Department, by approving a Plan prepared in accordance with § 905.307(d) of this part, waives, on behalf of Officers, the eligibility requirements for admission to Indian housing.

(2) *Plan submission.* A Plan is properly submitted when it is received by the local HUD Office of Indian Programs with jurisdiction over the IHA.

(3) *Notification of Plan approval or disapproval.* The Department will notify an IHA of the approval or disapproval of its Plan within thirty days of its submission.

(d) *Plan requirements.* To be approved, a Plan must include the following information:

(1) The total number of units under management by the HA;

(2) The specific housing developments, and the number of units they contain, where the HA intends to place Officers;

(3) (i) The particular units (stating number of bedrooms) within each development that would be allocated to Officers. The number of units so allocated must be in accordance with the following unit allocation table:

UNIT ALLOCATION TABLE

Total units under management	Maximum number of units to be allocated
500–999	5
1000–4999	10
5000–9999	15
10,000+	20

(ii) In order to exceed the number of units to be allocated to Officers shown in the table in paragraph (d)(3)(i) of this section, an IHA must certify, as part of its Plan, that the additional units proposed to be allocated to Officers are vacant units for which there are no Eligible Families. No resident may be moved from a unit to make it available for occupancy by an Officer under the Plan. The maximum number of units to be allocated by IHAs with less than 500 units under management will be determined by the Office of Indian Programs on a case by case basis;

(4) For each unit identified, the amount of rent that the Officer will pay and facts and circumstances that demonstrate the reasonableness of that amount, including:

(i) The rent that would ordinarily be charged for the unit;

(ii) The HA's annual maintenance cost for the unit;

(iii) An explanation of any difficulties in attracting Officers to reside in the unit that would justify a rent lower than that usually charged;

(iv) The anticipated benefits of the Officer's presence;

(5) A description of the extent of the crime problem in and/or around the developments where the Officers will reside;

(6) A lease agreement as specified in § 905.307(e) of this part.

(e) *Special rent requirements and other terms and conditions.* The IHA shall lease units to Officers under a lease agreement containing terms that provide as follows:

(1) *Reasonable rent.* The lease shall provide for a reasonable rent, which may be a flat amount not related to the Officer's income. The IHA should attempt to establish a rent that will provide an incentive to Officers to reside in the units but that is also consistent with the limited loss of income goal stated in § 905.307(a)(2) of this part.

(2) *Responsibility for damage and overall condition.* The Officer shall be responsible for physical damage to the interior of the leased unit, hallway and entrance, if any, and exterior area bordering the unit. The lease also shall require the Officer to maintain the overall condition of the leased unit, including control of litter in the area of the development immediately around the unit.

(3) *Responsibility for normal facility management.* The lease shall impose on the IHA responsibility for routine facility management relating to the leased unit, including ongoing maintenance and repair of equipment, trash collection and similar areas of responsibility.

(4) *Continued employment.* The lease shall provide that the Officer's right of occupancy is dependent on the continuation of the employment that qualified the Officer for residency in the development under the Plan. The lease also shall provide that the Officer will move out of the leased unit within a reasonably prompt time, to be established by the lease, after termination of employment.

(5) *Prohibition on subletting.* The lease shall prohibit the Officer from subletting the unit, and provide that the unit must be the Officer's primary residence.

(f) *Applicability of the annual contributions contract; effect on the performance funding system*—(1) *Annual contributions contract.* Except to the extent that eligibility requirements are waived under § 905.307(c) of this part, Indian housing units occupied by Officers in accordance with a Plan submitted and approved under this section will be subject to the terms and conditions of the annual contributions contract (ACC) between the IHA and the United States of America. This section does not override any of the terms and conditions of the ACC except insofar as they are inconsistent with the provisions of this section.

(2) *Performance Funding System.* For purposes of the operating subsidy under the Performance Funding System (PFS) described in subpart J of part 905, dwelling units allocated to Officers in accordance with this section are excluded from the total unit months available, as defined in § 905.102 of this part. Also for purposes of the operating subsidy under the PFS, the full amount of any rent paid by Officers in accordance with this section is included in other income, as defined in § 905.102 of this part.

PART 960—ADMISSION TO, AND OCCUPANCY OF, PUBLIC HOUSING

3. The authority citation for 24 CFR part 960 would be revised to read as follows:

Authority: 42 U.S.C. 1437a, 1437a–1, 1437c, 1437d, 1437n, 3535(d).

4. 24 CFR part 960 would be amended by adding a new subpart E to read as follows:

Subpart E—Waiver of Eligibility Requirements for Police Officers and Other Security Personnel

Sec.

960.501 Purpose and scope.

960.503 Definitions.

960.505 Waiver of eligibility requirements; plan submission; plan approval or disapproval.

960.507 Plan requirements.

Sec.
960.509 Special rent requirements and other terms and conditions.
960.511 Applicability of the annual contributions contract; effect on Performance Funding System.

Subpart E—Waiver of Eligibility Requirements for Police Officers and Other Security Personnel

§ 960.501 Purpose and scope.

The purpose of this subpart is to permit the admission to public housing of police officers and other security personnel, who are not otherwise eligible for such housing under any other admission requirements or procedures, under a Plan submitted by the PHA and approved by the Department, and to set forth standards and criteria for the approval of such Plans. The Department's objective in granting the waivers allowed by this subpart is:

(a) To permit long term residence in public housing developments by Officers, whose visible presence is expected to serve as a deterrent to criminal activity in and around public housing, thereby increasing security for public housing residents; and

(b) To limit both the loss of income to the PHA and the reduction of units available for residence by Eligible Families as a result of residence by Officers.

§ 960.503 Definitions.

Department means the U.S. Department of Housing and Urban Development (HUD). For purposes of Plan submission and approval, Department refers to the local HUD Field Office.

Eligible families means families that are eligible for residence in public housing assisted under the United States Housing Act of 1937.

Officer means a professional police officer or other professional security provider. Police officers and other security personnel are considered professional if they meet all relevant State or local government insurance, licensing, certification, training, bonding, or other similar requirements, and are employed full time, i.e., not less than 35 hours per week, by a governmental unit or a private employer, and are compensated expressly for providing police or security services. As used in this subpart, "Officer" may refer to the Officer as so defined or to the Officer and his or her family taken together, depending on the context.

Plan means the written plan submitted by a public housing agency (PHA) to the Department, under which, if approved, the Department will waive the normal eligibility requirements for residence in public housing and allow Officers who are otherwise not eligible to reside indefinitely in public housing units. A PHA may have only one Plan in effect at any one time, which Plan will govern waivers under this subpart for all public housing managed by that PHA.

§ 960.505 Waiver of eligibility requirements; plan submission; plan approval or disapproval.

(a) *Plan approval constitutes a waiver.* The Department, by approving a Plan prepared in accordance with § 960.507 of this part, waives, on behalf of Officers, the eligibility requirements for admission to public housing.

(b) *Plan submission.* A plan is properly submitted when it is received by the local HUD Field Office corresponding to the PHA's location.

(c) *Notification of Plan approval or disapproval.* The Department will notify a PHA of the approval or disapproval of its Plan within thirty days of its submission.

§ 960.507 Plan requirements.

To be approved, a Plan must include the following information:

(a) The total number of units under management by the HA;

(b) The specific housing developments, and the number of units they contain, where the HA intends to place Officers;

(c)(1) The particular units (stating number of bedrooms) within each development that would be allocated to Officers. The number of units so allocated must be in accordance with the following unit allocation table:

UNIT ALLOCATION TABLE

Total units under management	Maximum number of units to be allocated
500–999	5
1000–4999	10
5000–9999	15
10,000+	20

(2) In order to exceed the number of units to be allocated to Officers shown in the table in paragraph (c)(1) of this section, a PHA must certify, as part of its Plan, that the additional units proposed to be allocated to Officers are vacant units for which there are no Eligible Families. No resident may be moved from a unit to make it available for occupancy by an Officer under the Plan. The maximum number of units to be allocated by HAs with less than 500 units under management will be determined by the Field Office on a case by case basis;

(d) For each unit identified, the amount of rent that the Officer will pay and facts and circumstances that demonstrate the reasonableness of that amount, including:

(1) The rent that would ordinarily be charged for the unit;

(2) The HA's annual maintenance cost for the unit;

(3) An explanation of any difficulties in attracting Officers to reside in the unit that would justify a rent lower than that usually charged;

(4) The anticipated benefits of the Officer's presence;

(e) A description of the extent of the crime problem in and/or around the developments where the Officers will reside;

(f) A lease agreement as specified in § 960.509 of this part.

§ 960.509 Special rent requirements and other terms and conditions.

The PHA shall lease units to Officers under a lease agreement that is consistent with the requirements of this section and 24 CFR part 966. The requirements of this section shall take precedence if there is any inconsistency between them and 24 CFR part 966.

(a) *Reasonable rent.* The lease shall provide for a reasonable rent, which may be a flat amount not related to the Officer's income. The PHA should attempt to establish a rent that will provide an incentive to Officers to reside in the units but that is also consistent with the limited loss of income requirements of § 960.501(b) of this part.

(b) *Continued employment.* The lease shall provide that the Officer's right of occupancy is dependent on the continuation of the employment that qualified the Officer for residency in the development under the Plan. The lease also shall provide that the Officer will move out of the leased unit within a reasonably prompt time, to be established by the lease, after termination of employment.

§ 960.511 Applicability of the annual contributions contract; effect on the Performance Funding System.

(a) *Annual contributions contract.* Except to the extent that eligibility requirements are waived under § 960.505 of this part, public housing units occupied by Officers in accordance with a Plan submitted and approved under this subpart will be subject to the terms and conditions of the annual contributions contract (ACC)

between the PHA and the United States of America. This subpart does not override any of the terms and conditions of the ACC except insofar as they are inconsistent with the provisions of this subpart.

(b) *Performance Funding System.* For purposes of the operating subsidy under the Performance Funding System (PFS) described in part 990, subpart A, of this chapter, dwelling units allocated to Officers in accordance with this subpart are excluded from the total unit months available, as defined in § 990.102 of this chapter. Also for purposes of the operating subsidy under the PFS, the full amount of any rent paid by Officers in accordance with this subpart is included in other income, as defined in § 990.102 of this chapter.

Dated: March 12, 1993.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

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federal register

Monday
June 7, 1993

Part III

Department of Education

34 CFR Part 610
School, College and University Partnerships; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 610

RIN 1840-AB63

School, College, and University Partnerships

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes regulations to govern the School, College, and University Partnerships (SCUP) program. The regulations are needed to implement the recently enacted Higher Education Amendments of 1992. These regulations clarify and interpret certain statutory provisions and establish procedures for grant competitions and for administering the SCUP program. Previously, the SCUP program has been administered using only the program statute and the Education Department General Administrative Regulations (EDGAR).

DATES: Comments must be received on or before July 7, 1993.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Mrs. May J. Weaver, U.S. Department of Education, 400 Maryland Avenue, SW., room 5065, FOB-6 Washington, DC 20202-5249.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Frances A. Bergeron, U.S. Department of Education, 400 Maryland Avenue, SW., room 5065, FOB-6, Washington, DC 20202-5249. Telephone: (202) 708-4804. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The SCUP program, which is authorized under Title I of the Higher Education Act of 1965, as amended, provides support for higher education and secondary school partnerships to conduct activities that will improve high school retention and graduation rates of low-income and disadvantaged students, improve their academic skills, and prepare them for programs of postsecondary education or gainful employment following graduation from high school. These proposed regulations would implement Title I, Part A of the Higher Education Amendments of 1992 (Pub. L. 102-325), enacted July 23, 1992.

The authorized activities and the priorities contained in these proposed regulations support the President's strategy for moving the Nation toward achieving the National Education Goals. Specifically, this program encourages partnerships to design projects that address Goal 2 (High School Completion); Goal 3 (Student Achievement, Citizenship, and Preparation for Employment); and Goal 4 (Student Achievement in Science and Mathematics).

The major provisions of these proposed regulations include:

Legal applicant/grantee (§ 610.2). These proposed regulations would stipulate which entities are eligible to apply for funding on behalf of an eligible partnership. An eligible partnership consists of an institution of higher education, or a State higher education agency, or a consortium of these, *and* a local educational agency. However, only institutions of higher education, State higher education agencies, and consortia of these are eligible to apply for and receive funding on behalf of the SCUP partnership. Previously, local educational agencies also were eligible to apply for funding on behalf of the partnership.

This change in eligibility reflects changes in the program statute and the Secretary's understanding of the primary purpose of this program, which is to encourage higher education institutions to become actively involved in the education of low-income and disadvantaged secondary school students.

Program priorities (§ 610.4 (a) and (b)). These regulations would establish requirements for meeting the statutory funding preferences in § 610.4(a) and provide a list of funding priorities from which the Secretary may select priorities for a particular competition in § 610.4(b). In any competition, applicants must address at least two of the statutory priorities in § 610.4(a) to be eligible for SCUP funding. In addition, applicants may address any of the announced priorities in § 610.4(b). The Secretary would announce the priorities for a competition and the points to be awarded for addressing the priorities in an application notice published in the Federal Register.

Definitions (§ 610.6). These regulations would provide definitions for many of the terms used in the program statute and these proposed regulations. These definitions are needed to clarify certain terms used in the statute and to provide standard definitions for terms used in data collection instruments.

Selection criteria (§ 610.21). These regulations would provide program-specific selection criteria for evaluating applications submitted under the program. Under these regulations, the Secretary could award each application up to 100 points, including designated maximum points specified in § 610.21 and a reserved 15 points. The Secretary would announce the distribution of the reserved points in the application notice published in the Federal Register.

The Secretary has found that program-specific selection criteria are needed because the general selection criteria included in EDGAR do not permit adequate evaluation of all aspects of a SCUP project. Further, the reserved points would give the Secretary the flexibility to modify the weighing of the criteria for each competition on the basis of the announced priorities and other considerations.

Limitation on the project period (§ 610.23(b)). These regulations would clarify a new statutory provision regarding the number of years an eligible partnership can receive funding under the SCUP program.

Separate budgets for regular school year and summer activities (§ 610.32(d)). These regulations would require grantees to maintain separate budgets for regular school year activities and summer programs. This provision would enable the Secretary to effectively administer the statutory requirement regarding the use of appropriated funds for school year and summer programs.

Restrictions on the use of funds (§ 610.33 (f) and (g)). These regulations would permit the Secretary to restrict the amount of grant funds made available for capital-equipment purchases and project evaluation and dissemination activities to a certain percentage of the total grant.

Accountability (§ 610.35). These regulations would require each grantee to establish project goals with specific measurable objectives and intended student outcomes and to assess the project's effectiveness in meeting its goals and objectives within the funding period. These provisions are designed to improve grantee accountability for the use of Federal funds under this discretionary grant program.

Dissemination (§ 610.36). These regulations would encourage grantees to share information on exemplary project activities and practices supported with grant funds. Such dissemination would promote a greater use of higher education/secondary school partnerships without direct Federal financial assistance.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. The small entities that would be affected by these regulations are small institutions of higher education and small local educational agencies. States and State agencies are not considered small entities under the Regulatory Flexibility Act. The regulations would not have a significant economic impact on the small entities affected because they do not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

Paperwork Reduction Act of 1980

Sections 610.10, 610.21, and 610.37 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h))

Partnerships of institutions of higher education or State higher education agencies and local educational agencies are eligible to apply for grants under these regulations. The Department needs and uses the information to make grants. Annual public reporting burden for this collection of information is estimated to average 20 hours per response for 175 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, room 3002, New Executive Office Building, Washington, DC 20503; Attention: Daniel J. Chenok.

Intergovernmental Review

This program is subject to the requirement of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection during and after the comment period, in room 5065, FOB-6, 400 Maryland Avenue, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirements for reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 610

Colleges and universities, Education of disadvantaged, Grant programs—education, Partnerships, Reporting and recordkeeping requirements, Secondary education.

(Catalog of Federal Domestic Assistance Number 84.204, School, College, and University Partnerships)

Dated: May 27, 1993.

Richard W. Riley,

Secretary of Education.

The Secretary proposes to amend title 34 of the Code of Federal Regulations by adding a new part 610 to read as follows:

PART 610—SCHOOL, COLLEGE, AND UNIVERSITY PARTNERSHIPS

Subpart A—General

Sec.
610.1 What is the School, College, and University Partnerships program?
610.2 Who is eligible for an award?
610.3 What activities does the Secretary fund?
610.4 What priorities may the Secretary establish?
610.5 What regulations apply?
610.6 What definitions apply?

Subpart B—How Does One Apply for an Award?

610.10 What are the application requirements for a grant?

Subpart C—How Does the Secretary Select an Applicant for an Award?

610.20 How does the Secretary evaluate an application?
610.21 What selection criteria does the Secretary use?
610.22 What additional factors does the Secretary consider in making an award?
610.23 What are the funding requirements the Secretary considers in making an award?

Subpart D—What Conditions Must Be Met by a Grantee?

610.30 What are the cost-sharing requirements?
610.31 How are the Federal and non-Federal shares of the project costs determined?
610.32 What are the other funding requirements?
610.33 What are allowable costs?
610.34 What are nonallowable costs?
610.35 What evaluation activities must a grantee conduct?
610.36 What dissemination activities may a grantee conduct?
610.37 What additional requirements must be met by a grantee?

Authority: 20 U.S.C. 1001 *et seq.*, unless otherwise noted.

Subpart A—General

§ 610.1 What is the School, College, and University Partnerships program?

The School, College, and University Partnerships (SCUP) program provides support for higher education and secondary school partnerships to conduct programs that will—

(a) Improve the high school retention and graduation rates of low-income and disadvantaged students;

(b) Improve the academic skills of secondary school students;

(c) Prepare students for programs of postsecondary education; and

(d) Improve students' prospects for employment following graduation from secondary school.

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.2 Who is eligible for an award?

(a) To be eligible for a SCUP grant, an institution of higher education, or State higher education agency, or a consortium of these, must enter into a written partnership agreement with a local educational agency.

(b) The partnership may also include businesses, labor organizations, professional associations, community-based organizations, public television stations or other telecommunications entities, or other private or public agencies or organizations.

(c) The applicant for the partnership must be—

(1) An institution of higher education;

(2) A State higher education agency; or

(3) A consortium as defined in § 610.6 of these regulations.

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.3 What activities does the Secretary fund?

The Secretary funds a partnership under this part to support activities that—

(a) Are designed to improve the basic academic skills of secondary school students;

(b) Use college students to tutor secondary school students in an effort to improve their basic academic skills;

(c) Are designed to increase the understanding of specific subjects of secondary school students;

(d) Involve secondary school students in community service and learning projects;

(e) Are designed to improve the opportunity for secondary school students to continue an education program after graduation; and

(f) Are designed to increase employment prospects for secondary school students after graduation.

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.4 What priorities may the Secretary establish?

(a) To be eligible for SCUP funding, projects must address two or more of the following statutory priorities:

(1) Projects that will serve predominantly low-income communities.

(2) Projects that will conduct programs during both the regular school year and the summer.

(3) Projects designed to serve one or more of the following historically underrepresented and underserved populations of students:

(i) Educationally disadvantaged students.

(ii) Students with disabilities.

(iii) Potential dropouts.

(iv) Pregnant adolescents and teenage parents.

(v) Children of migratory agricultural workers or of migratory fishermen.

(vi) Students whose native language is other than English.

(4) Projects designed to encourage women and minorities who are underrepresented in the fields of science and mathematics to pursue these fields of study.

(b) In addition to the preferences under paragraph (a) of this section, the Secretary may also establish as a funding priority in any fiscal year one or more or any combination of the following:

(1) Projects that support the National Education Goals by:

(i) Increasing high school graduation rates.

(ii) Improving achievement in specific subject areas, such as English, mathematics, science, history, or geography.

(iii) Preparing high school students for post-graduation employment or postsecondary education.

(2) Projects that will involve businesses in carrying out the project objectives.

(3) Projects that will involve private, nonprofit organizations in carrying out the project objectives.

(4) Projects that will involve students in apprenticeships or other on-the-job training.

(5) Projects where the primary focus is to stimulate school-wide reform and systemic improvement in schools serving a high concentration of disadvantaged students (in contrast to projects where the aim is to provide supplemental services to a discrete sub-population of students).

(6) Projects that will evaluate program effectiveness and disseminate information on exemplary programs to other institutions of higher education and secondary schools for the purpose of promoting greater use of higher education and secondary school partnerships without direct Federal financial assistance.

(7) Projects that will involve one or more of the activities listed in § 610.3(a) or combinations of those activities.

(c) The Secretary announces the selection of priorities under paragraph (b) of this section in an application notice published in the **Federal Register.**

(Authority: 20 U.S.C. 1001 et seq.)

§ 610.5 What regulations apply?

The following regulations apply to the SCUP program:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(6) 34 CFR part 82 (New Restrictions on Lobbying).

(7) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(8) 34 CFR part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 610.

(Authority: 20 U.S.C. 1001 et seq.)

§ 610.6 What definitions apply?

(a) *Definitions in the Act.* The following term used in this part is defined in section 1201(a) of the Act:

Institution of higher education.

(b) *Definitions in EDGAR.* The following terms used in these regulations are defined in 34 CFR 77.1:

Applicant
Application
Award
Budget
Department
EDGAR
Equipment
Facilities
Fiscal year
Grant
Grantee
Local educational agency
Nonprofit
Private
Project
Public
Secondary school
Secretary
State
Supplies.

(c) *Other definitions.* The following definitions also apply to this part:

Act means the Higher Education Act of 1965, as amended.

Annual dropout rate means the proportion of students in grades 10, 11, and 12 who drop out in a single year without completing high school.

Children of migratory agricultural workers or migratory fishermen means persons who are entitled to free public education through grade 12 whose parents or guardians are migratory agricultural workers or migratory fishermen and who have moved within the past 12 months from one school district to another—or, in a State that is made up of a single school district, have moved from one school administrative area to another—to enable the children, the guardians, or members of the

immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity.

Consortium means one or more institutions of higher education or State higher education agencies or both that have entered into a cooperative arrangement for the purpose of carrying out common objectives.

Disadvantaged students means students from any of the following categories: educationally disadvantaged students; students with disabilities; potential dropouts; pregnant adolescents and teenage parents; children of migratory agricultural workers or of migratory fishermen; and students whose native language is other than English.

Educationally disadvantaged student means an individual whose educational attainment is below the level that is appropriate for students at that age.

Governing body means a board consisting of representatives from each of the project partners with the responsibility for providing direction and supervision of the SCUP project on behalf of the partnership.

Low-income student means an individual whose family's taxable income did not exceed 150 percent of the poverty level amount in the calendar year preceding the year in which the individual initially participates in the project. Poverty-level income is determined by using poverty criteria established by the Bureau of the Census of the U.S. Department of Commerce.

National Education Goals mean the six national goals for education adopted in 1990 by the President of the United States and the Governors of the several states. The goals are:

(1) All children in America will start school ready to learn.

(2) The high school graduation rate will increase to at least 90 percent.

(3) American students will leave grades four, eight, and twelve having demonstrated competency in challenging subject matter including English, mathematics, science, history, and geography; and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy.

(4) U.S. students will be first in the world in science and mathematics achievement.

(5) Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship;

(6) Every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning.

Partner means a member of a SCUP partnership that is legally responsible for carrying out the activities it agrees to perform and for using the funds it receives in accordance with Federal grant requirements.

Partnership means the institutions of higher education, State higher education agencies, local educational agencies, and other organizations that have entered into a written partnership agreement for the purpose of conducting a SCUP project.

Partnership agreement means the document signed by each member of a SCUP partnership that stipulates the responsibilities of each partner and the resources to be committed by each partner.

Postsecondary education means education beyond the secondary school level.

Potential dropout means a student who exhibits two or more of the following high-risk factors:

(1) Is two or more grade levels below the level in basic skills that is appropriate for the student's age.

(2) Has a history of low academic achievement, low test scores, and retention in earlier grades.

(3) Is two or more years older than other students in the same grade.

(4) Is from a low socioeconomic, single parent family.

(5) Is from a family where one or both parents or an older sibling has dropped out.

Predominantly low-income community means a discrete geographic area—as determined by the applicant—in which the median income of the community residents is at or below the poverty level established by the Bureau of the Census of the U.S. Department of Commerce.

Pregnant adolescent means a girl between the ages of 12 and 19 who, in the year in which she participates in the project, is pregnant.

Secondary school student means an individual who is enrolled in a school that in accordance with State law provides secondary education.

State higher education agency means an agency that is primarily responsible for the supervision of public higher education within a State.

Student of limited proficiency in English means a student whose native language is other than English and who has sufficient difficulty speaking, reading, writing, or understanding the English language to deny that student the opportunity to learn successfully in classrooms in which English is the language of instruction.

Student with a disability or disabilities means a individual who has a diagnosed physical or mental impairment that substantially limits that person's ability to participate in the educational experiences and opportunities provided.

Supplant means substituting grant funds to pay for personnel, activities, services, or other costs that were supported from other sources prior to receiving grant funds.

Supplement means using grant funds to improve, enrich, or enhance an existing service or activity through the addition of new services or activities.

Target area means a geographical area that is or will be served by a SCUP project.

Target school means a secondary school that enrolls students who are or will be served by a SCUP project.

Teenage parent means a secondary school student between the ages of 13 and 19 who has one or more children.

(Authority: 20 U.S.C. 1001 et seq.)

Subpart B—How Does One Apply for an Award?

§ 610.10 What are the application requirements for a grant?

An application for a SCUP grant must contain—

(a) A written partnership agreement that is signed by authorized officials of each of the partners and includes—

(1) A listing of all partners, including designation of the official representative of each partner;

(2) A description of the responsibilities of each partner; and

(3) A listing of the resources to be contributed by each partner;

(b) A listing of the public and private nonprofit secondary school or schools to be involved in the program;

(c) A description of activities and services for which assistance is sought; and

(d) A description of the programs to be developed and operated by the partnership.

(Authority: 20 U.S.C. 1001 et seq.)

Subpart C—How Does the Secretary Select an Applicant for an Award?

§ 610.20 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 610.21.

(b) The maximum score for all of the criteria in § 610.21 is 100 points.

(c) Subject to paragraph (d) of this section, the maximum score for each criterion is indicated in parentheses with the criterion.

(d) The Secretary distributes an additional 15 points among the criteria listed in § 610.21. The Secretary indicates in an application notice for the program that is published in the **Federal Register** how these 15 points are distributed.

(Authority: 20 U.S.C. 1001 et seq.)

§ 610.21 What selection criteria does the Secretary use?

The Secretary uses the following criteria to evaluate an application:

(a) *Need for the project.* (21 points)

(1) (15 points) The Secretary reviews each application for documented evidence that a need for a SCUP project exists in the area the applicant plans to serve, including information that shows:

(i) The quality of the assessment of the needs to be addressed through the project.

(ii) The magnitude of the need for the project in the target community where the project would be carried out, including, but not limited to, the following information—

(A) The estimated number and percentage of low-income and disadvantaged students enrolled in each of the target schools;

(B) The annual dropout rate of students in each of the target schools;

(C) The estimated number and percentage of low-income and disadvantaged students from each of the target schools who, following graduation from secondary school, enroll in programs of postsecondary education or are gainfully employed; and

(D) The academic and other problems of low-income and disadvantaged students in the target schools.

(iii) The extent to which the needs identified can be addressed through the proposed partnership project.

(2) (6 points) The Secretary also considers the extent to which the proposed project addresses the statutory funding priorities under § 610.4(a) and any priorities established by the Secretary for the competition under § 610.4(b).

(b) *Plan of operation.* (24 points) The Secretary reviews each application to determine the quality of the project design and management plan for the project, including—

(1) The quality of the applicant's plans to carry out one or more of the activities described in § 610.3, including goals with specific measurable objectives for the project, a description of activities to be accomplished under each objective for the regular school year and the summer programs, and a timetable of important goals to be achieved during each budget year;

(2) The extent to which the project design takes into account current research findings and information on practices effective for serving the target populations;

(3) The extent to which the applicant sets out an effective management plan for the project that includes communication and coordination among members of the partnership, appropriate allocations of the resources and personnel of the partnership, and adequate time commitments for the project director and all other project personnel in order to achieve each objective and intended outcome during the period of Federal funding;

(4) The quality of the applicant's plan to identify and select project participants and ensure that students who otherwise are eligible to participate are selected without regard to race, color, national origin, gender, age, or disability.

(c) *Evaluation and dissemination plans.* (11 points)

(1) (8 points) The Secretary reviews each application to determine the quality of the project's evaluation plan, including the extent to which the applicant's methods of evaluation are appropriate for the project and address the evaluation requirements in § 610.35.

(2) (3 points) The Secretary reviews each application to determine the quality of the applicant's dissemination plans such as those described in § 610.36.

(d) *Quality of key personnel.* (6 points) To determine the quality of key personnel the applicant plans to use on the project, the Secretary looks for information that shows—

(1) The qualifications of the project director, including formal educational training in fields related to the objectives of the project and experience in designing, managing, or implementing similar projects;

(2) The qualifications of each of the other key persons to be used in the project, including formal educational training and experience related to the objectives of the project; and

(3) The quality of the project's plan for employing qualified persons. The plan must include a description of the procedures used to include members of groups that have been traditionally underrepresented among the project staff.

(e) *Partnership participation and coordination.* (8 points) The Secretary looks for information that shows—

(1) The extent to which representatives of the secondary schools, the postsecondary institutions, and the community have participated in designing the project and preparing the application;

(2) The roles and responsibilities of the project's governing body;

(3) The extent to which the partners and other organizations have provided commitments and resources to support and supplement authorized activities; and

(4) The capacity of the partnership to continue the project when Federal assistance ends.

(f) *Cost-effectiveness and adequacy of the budget and resources.* (9 points) The Secretary reviews each application to determine the extent to which—

(1) The allocations of Federal and non-Federal resources in the budget are clearly related to the objectives of the project.

(2) Project costs are reasonable in relation to the objectives and scope of the project; and

(3) The other resources, including facilities, equipment, and supplies, that will be provided by each member of the partnership are adequate to support the project and are clearly related to the objectives of the project.

(g) *Likelihood of success.* (6 points) The Secretary reviews each application for information that shows the extent to which the project is likely to—

(1) Increase the retention and graduation rates of secondary school students at the target schools;

(2) Prepare project participants for programs of postsecondary education or gainful employment following graduation from secondary school; and

(3) Develop innovative and effective project designs appropriate for the disadvantaged populations to be served.

(Authority: 20 U.S.C. 1001 et seq.)

§ 610.22 What additional factors does the Secretary consider in making an award?

In addition to the criteria in § 610.21, the Secretary considers the following factors in making an award:

(a) *Geographic distribution.* After applications are scored and placed in rank order, the Secretary selects applications for funding in a manner that will achieve an equitable geographical distribution of funded projects.

(b) *Model projects.* After ensuring an equitable geographical distribution of grantees, the Secretary, in making the final selection from among similarly rated applications, may also consider the potential of each project to be a model SCUP project of local, State, or national significance that could be easily replicated and disseminated. In determining a project's potential to be a model, the Secretary uses information provided in the application narrative,

particularly evidence provided in response to § 610.21(g).

(Authority: 20 U.S.C. 1001 et seq.)

§ 610.23 What are the funding requirements the Secretary considers in making an award?

(a) *Amount of award.* The Secretary makes grant awards under this program in amounts that are not less than $250,000 and not more than $1,000,000 for each project year.

(b) *Limitation on number of years the partnership may be funded.* The Secretary awards grants under this program to eligible partnerships for project periods not to exceed five years.

(Authority: 20 U.S.C. 1001 et seq.)

Subpart D—What Conditions Must Be Met by a Grantee?

§ 610.30 What are the cost-sharing requirements?

(a) The Federal share of the total cost of each project selected for funding may not exceed—

(1) Seventy percent in the first year;

(2) Sixty percent in the second year; and

(3) Fifty percent in the third and any subsequent years.

(b) The partnership's share may be derived from non-Federal cash or in-kind contributions. In-kind contributions may include services, supplies, or equipment that is fairly appraised and needed to carry out project activities;

(c) (1) The Secretary may waive the cost-sharing requirements described in paragraph (a) of this section for any partnership that demonstrates to the Secretary's satisfaction a unique hardship that prevents its compliance with the cost-sharing requirements.

(2) If a partnership desires a waiver of the cost-sharing requirements, it shall submit a written request as part of its application. The request must include—

(i) An explanation of the special conditions in the target area that prevent the partnership from meeting the cost-sharing requirements;

(ii) An estimate of the amount, if any, of non-Federal resources that will be committed to the project; and

(iii) Plans for soliciting non-Federal resources to continue the project when Federal assistance ends.

(Authority: 20 U.S.C. 1001 et seq.)

§ 610.31 How are the Federal and non-Federal shares of the project costs determined?

The following are examples of how the Federal and non-Federal shares of the project costs are determined:

(a) *Example #1.* If the total cost for a SCUP project is estimated at $500,000 per year, what are the Federal and non-Federal shares of the project costs?

(1) In year one of the grant, the Federal share may not exceed $350,000, or 70 percent of project costs, and the non-Federal share shall be at least $150,000.

(2) In year two of the grant, the Federal share may not exceed $300,000, or 60 percent of project costs, and the non-Federal share shall be at least $200,000.

(3) In year three and any subsequent year of funding, the Federal share may not exceed $250,000, or 50 percent of project costs, and the non-Federal share shall be at least $250,000.

(b) Example #2. If the total cost for a SCUP project is estimated at $357,143 in year one of the grant, $416,667 in year two, and $500,000 in year three, what are the Federal and non-Federal shares of the project costs?

(1) In year one of the grant, the Federal share would be $250,000, or 70 percent of project costs, and the non-Federal share shall be at least $107,143.

(2) In year two of the grant, the Federal share would be $250,000, or 60 percent of project costs, and the non-Federal share shall be at least $166,667.

(3) In year three of the grant, the Federal share would also be $250,000, or 50 percent of project costs, and the non-Federal share shall be at least $250,000.

(Authority: 20 U.S.C. 1001 et seq.)

§ 610.32 What are the other funding requirements?

(a) A local educational agency or institution of higher education receiving funds under this program may not reduce its combined fiscal effort per student or its aggregate expenditure on education.

(b) A local educational agency or institution of higher education shall use any Federal funds it receives from the grant to supplement, and, to the extent practicable, increase the resources that would, in the absence of these Federal funds, be made available from non-Federal sources for educating students participating in the project.

(c) A grantee may not use SCUP funds to supplant non-Federal funds that are already available.

(d) A grantee shall maintain separate project budgets for the regular school year activities and summer activities and may not transfer grant funds from the approved school year budget to the summer budget and vice versa without written approval.

(Authority: 20 U.S.C. 1001 et seq.)

§ 610.33 What are allowable costs?

Allowable costs may include the following costs not specifically covered in 34 CFR part 74 if they are reasonably related to carrying out the project activities included in the approved application:

(a) Transportation and other costs for participants and project staff and, when approved by the Secretary, for parents for—

(1) Visits to postsecondary educational institutions in the area;

(2) Participation in college and career information fairs;

(3) Field trips to observe and meet with people who are employed in various career fields and can serve as role models for participants; and

(4) Participation in Saturday, summer, and after-school activities sponsored by the project for the purpose of enhancing the academic or cultural development of the project participants.

(b) Costs for one project-sponsored awards banquet or ceremony each year. The Secretary may establish a maximum cost per participant for this activity.

(c) Costs for providing special classes and instruction for project participants, as long as these classes are not part of the regular school curriculum and are not otherwise available at the target schools.

(d) Tutorial and counseling services for project participants that supplement those services available at the target schools.

(e) Costs related to establishing and conducting an apprenticeship or other on-the-job training program.

(f) Purchase of computer hardware, software, and other equipment for student instruction and project administration and recordkeeping, provided it has been demonstrated to the Secretary's satisfaction that the equipment is required to meet the purposes of the project. The Secretary may restrict funds made available for capital-equipment purchases to a certain percentage of a project's total grant.

(g) Project evaluation and dissemination. The Secretary may restrict funds made available for evaluation and dissemination to a certain percentage of a project's total grant.

(h) In-service training for project staff and secondary school personnel who work with disadvantaged students.

(i) Training for persons from the community or private sector who may participate in tutoring and other volunteer activities described in the approved application.

(j) Student stipends and incentives, provided these are given only to students who meet certain participation

and performance standards established by the project and described in the approved application.

(Authority: 20 U.S.C. 1001 et seq.)

§ 610.34 What are nonallowable costs?

Costs that may not be charged against a grant under this program include—

(a) Research not directly related to evaluating or improving the project;

(b) The construction, renovation, or remodeling of any facilities; and

(c) Renting space unless space is not available at the host institution and the space rented is not owned by any of the project partners.

(Authority: 20 U.S.C. 1001 et seq.)

§ 610.35 What evaluation activities must a grantee conduct?

(a) A grantee shall develop and implement an evaluation plan to assess the project's effectiveness in meeting its stated goals and objectives.

(b) The evaluation design must include, but is not limited to—

(1) Collecting baseline data on student achievement to allow for measuring of effectiveness at project's end;

(2) Specific intended outcomes for participating students and the partnership that accomplish the purposes of the program and are attainable within the project period;

(3) Strategies for assessing the effectiveness of the partnership arrangement in delivering services and for documenting the impact of the project on the grantee, the target schools, and other project partners, if any; and

(4) For multi-year projects, specific objectives for each budget period that can be used to determine the project's progress toward meeting its intended outcomes.

(c) An external evaluator may be used to assist the project staff in meeting the requirement in paragraph (a) of this section.

(Authority: 20 U.S.C. 1001 et seq.)

§ 610.36 What dissemination activities may a grantee conduct?

(a) The Secretary encourages grantees to disseminate information about successful activities conducted through the project.

(b) To disseminate information about project activities, a grantee may use strategies that include, but are not limited to—

(1) Providing descriptive materials to interested parties;

(2) Making presentations at conferences;

(3) Submitting articles about the project to appropriate publications; and

(4) Submitting the project for review by the U.S. Department of Education's Program Effectiveness Panel of the National Diffusion Network in accordance with 34 CFR part 786.

(Authority: 20 U.S.C. 1001 et seq.)

§ 610.37 What additional requirements must be met by a grantee?

A grantee shall—

(a) Establish a governing body that includes at least one representative from each partner;

(b) Submit to the Secretary reports and other information as requested to evaluate program effectiveness and to provide information for dissemination on exemplary programs and practices to other institutions of higher education and secondary schools; and

(c) Participate in SCUP program meetings and workshops conducted by the Secretary to the extent funds are provided in the grant for this purpose.

(Authority: 20 U.S.C. 1001 et seq.)

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June 7, 1993

Part IV

Department of Housing and Urban Development

Office of the Assistant Secretary

NOFA for the Operating Assistance and Capital Improvement Loan Components; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-93-3556; FR-3357-N-01]

NOFA for the Operating Assistance and Capital Improvement Loan Components of the Flexible Subsidy Program for FY 1993

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of Fund Availability (NOFA) for Fiscal Year 1993.

SUMMARY: This notice announces HUD's funding for the Operating Assistance and Capital Improvement Loan components of the Flexible Subsidy Program for Fiscal Year 1993. This document includes information concerning the following:

(a) The purpose of the NOFA and information regarding eligibility, available amounts, and selection criteria;

(b) Application processing, including how to apply and how selections will be made; and

(c) A checklist of steps and exhibits involved in the application process.

This notice also implements, for the benefit of FY 1993 applicants, certain changes made to the Flexible Subsidy Program by the Housing and Community Development Act of 1992 (Pub. L. 102-550, approved October 28, 1992) (1992 Act). HUD intends to publish a notice of proposed rulemaking, which will propose to adopt the changes made to the Flexible Subsidy Program by the 1992 Act (and as implemented in this NOFA for FY 1993 applicants) as regulatory amendments to 24 CFR part 219. (Part 219 contains HUD's regulations governing the Flexible Subsidy Program.) The rule will request comments from the public on the proposed amendments to part 219.

DATES: The due date for submission of applications by project owners in response to this NOFA is July 22, 1993. Application materials may be obtained from the local HUD Field Office.

Applications must be physically received by the applicable HUD Field Office Loan Management Branch on the due date by 4 p.m., local time. Please see the Application Process section of this NOFA (Section II) for further information on what constitutes proper submission of an application.

The application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, HUD will treat as ineligible for consideration any application that is not received on or before the application deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

FOR FURTHER INFORMATION CONTACT: Program Support Branch, Office of Multifamily Housing Management, 451 Seventh Street SW., Washington DC 20410, telephone (202) 708-2654 (voice) or (202) 708-3938 (TDD for hearing-impaired). (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Statement

The Office of Management and Budget has approved the use of the Flexible Subsidy forms under OMB control number 2502-0395, through September 30, 1993.

I. Purpose and Substantive Description

A. Statutory Authority

Section 201, Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z-1a); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

B. Flexible Subsidy Program

1. Authorizing Legislation

Section 201 of the Housing and Community Development Amendments of 1978 (HCDA) created the Flexible Subsidy Program to provide Operating Assistance to eligible projects experiencing financial difficulty. Operating Assistance is provided in the form of a deferred loan and, in conjunction with other resources, is designed to restore or maintain the physical and financial soundness of eligible projects. The 1983 amendments to section 201 of the HCDA expanded the universe of eligible projects and clarified that a project need not have an FHA-insured mortgage to be eligible for Flexible Subsidy-assistance (e.g., a non-insured section 236 project is eligible).

The 1987 amendments to section 201 of the HCDA created a new category of assistance to be provided under the Flexible Subsidy Program for projects that needed capital improvements to achieve physical soundness that cannot be funded from project reserve funds without jeopardizing other major repairs or replacements that are reasonably expected to be required in the near future.

HUD's regulations governing the Flexible Subsidy Program are codified at 24 CFR part 219. These regulations were recently amended by a final rule published on July 21, 1992 (57 FR 32398). Because of the recent statutory changes made to the Flexible Subsidy Program, as discussed in the section immediately following, HUD will further amend the part 219 regulations to reflect these statutory changes. The amendments to part 219 will be published by a separate notice of proposed rulemaking.

2. Changes Made to the Flexible Subsidy Program by the Housing and Community Development Act of 1992

Sections 405 and 406 of the Housing and Community Development Act of 1992 (Pub. L. 102-550, approved October 28, 1992) (the 1992 Act) amended section 201 of the HCDA, making the following changes to the Flexible Subsidy Program (note that the parenthetical following each amendatory description indicates the applicable statutory section which makes the amendment to the program):

—The inclusion of additional criteria by which a project will be considered eligible for assistance under section 201 of the HCDA (see section 405(a));

—The establishment of new selection criteria by which HUD shall award assistance to eligible projects under section 201 of the HCDA, and the requirement that eligible projects that have federally insured mortgages in force be selected for assistance under section 201 before any other eligible project (see section 405(b));

—The authorization to require owners receiving assistance as capital improvements under section 201 of the HCDA to retain the housing as affordable housing for very low-income, low-income and moderate-income persons or families for the remaining useful life of the housing (see section 405(c));

—The exclusion of projects receiving assistance under section 201 of the HCDA from receiving prepayment incentives under the Emergency Low-Income Housing Preservation Act of 1987 (ELIHPA) or the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA), and the exclusion of projects receiving prepayment incentives from receiving assistance under section 201 of the HCDA (see section 405(d));

—The requirement that HUD grant to owners credit for advances made to the project during the three year period prior to the application for assistance (section 405(e));

—The requirement that HUD coordinate the allocation of assistance under

section 201 of the HCDA with assistance made available under section 8(v) of the U.S. Housing Act of 1937 (the 1937 Act) and section 203 of the HCDA (section 405(f));

—The requirement that HUD review and approve or disapprove each plan no later than the expiration of the 30-day period of receipt of the plan by HUD, and if HUD fails to inform an owner of its disapproval of the owner's plan, the plan shall be considered approved (section 406).

These changes to the Flexible Subsidy Program are further addressed in the following sections of this NOFA. HUD is implementing the 1992 statutory amendments to the Flexible Subsidy Program for purposes of this FY 1993 funding round so that applicants responding to this NOFA may benefit from these changes, which improve the operation of the Flexible Subsidy Program.

3. Assurance of Support of Preservation Efforts

This notice assures support of preservation efforts by providing for a set-aside of $18 million for Flexible Subsidy Capital Improvement funding to insured projects that are eligible to receive incentives in exchange for extending the low-to moderate-income use of the projects under plans of action approved in accordance with 24 CFR part 248. The $18 million set-aside will be made available under a separate notice of funding availability. The remainder of the Flexible Subsidy Fund is made available under this NOFA for the award of funds to eligible projects in accordance with the priorities specified in this NOFA.

The set-aside for preservations efforts is possible notwithstanding the amendment made by section 405(d) of the 1992 Act. As discussed under Section I.B.2 of this NOFA, section 405(d) excludes projects receiving assistance under section 201 of the HCDA from receiving prepayment incentives under the ELIHPA or the LIHPRHA, and excludes projects receiving prepayment incentives from receiving assistance under section 201 of the HCDA. Additionally, section 405(b) of the 1992 Act repealed section 201(k)(4) of the HCDA, which created a priority for projects receiving incentives under ELIHPA and LIHPRHA. Thus the repeal of section 201(k)(4) would seem to preclude ELIHPA and LIHPRHA projects from receiving flexible subsidy assistance, and vice versa.

However, the Congress did not amend section 224(b)(6) of ELIHPA or section 219(b)(4) of LIHPRHA which lists flexible subsidy capital improvement loans as a permissible incentive, nor did the Congress repeal sections 201(m)(1) and (m)(2) of the HCDA, which discuss rental payments for ELIHPA and LIHPRHA projects receiving flexible subsidy assistance. In addition, the Congress enacted section 318 of title III of the 1992 Act, which requires HUD to present a report to the Congress detailing the cost of providing preservation incentives to owners of projects deemed ineligible for incentives because the owners entered into agreements to maintain the projects' low income use in exchange for flexible subsidy assistance. This report is required because the Congress "is concerned that many of these projects may not be preserved, even with flexible subsidy, for lack of necessary additional funding * * * the report [should] include any recommendation which the Committee can consider for ways to make these projects eligible for the preservation program * * *" *House Rpt.* No. 760, 102d Cong., 2d Sess., at 117 (the "House Report"). The failure of the Congress to eliminate capital improvement loans as an incentive, or to delete all flexible subsidy provisions pertaining to ELIHPA and LIHPRHA projects, coupled with the fact that Congress is requesting a report to attempt to make projects with flexible subsidy eligible for incentives, imply that the Congress intended to continue to permit capital improvement loans as an incentive.

While owners proceeding under ELIHPA and LIHPRHA may finance rehabilitation with a loan insured under section 241 of the National Housing Act, a capital improvement loan is preferred by nonprofit purchasers because, for capital improvement loans, there are no owner contribution requirements, the interest rate tends to be lower, and amortization does not begin until the loan proceeds are spent. The amendment to section 241(f) by section 316(a) of title III of the 1992 Act eliminates the need for a rehabilitation loan under LIHPRHA because rehabilitation costs will now be included in the section 241(f) equity and acquisition loans. However, capital improvement loans would be beneficial for nonprofit purchasers under ELIHPA whose only other choice is to finance improvements with a section 241(a) loan.

In light of the foregoing, HUD will allow nonprofit purchasers to obtain flexible subsidy capital improvement loan as an incentive under ELIHPA. Because nonprofit purchasers requesting capital improvement loans in their plans of action will not be "receiving financial assistance" under ELIHPA or LIHPRHA at the time they are determined eligible for flexible subsidy, this position will not violate section 405(d) of the 1992 Act.

C. Allocation Amounts

1. Total Available Funding for FY 1993

The Flexible Subsidy Fund is comprised of excess rental receipts paid to HUD from owners of section 236 projects, interest earned on the fund, repayment of Operating Assistance loans made by HUD in past fiscal years, and amounts appropriated by the Congress, if any, to carry out the purposes of the Flexible Subsidy Program.

The Capital Improvement Loan portion of the program is required by statute to be funded at a minimum level of $30 million or 40 percent of the amount in the Flexible Subsidy Fund, whichever is less. Any of that amount not used for loans under that program before the last 60 days of a fiscal year shall become available for Operating Assistance loans. This year, $30 million is less than 40 percent of the fund, and therefore, is the amount designated for Capital Improvement Loans.

Funding availability for Fiscal Year 1993 is estimated as follows:

Estimated Loan Repayments	$10,100,000
Estimated Transfers to the Flexible Subsidy Fund	77,500,000
Estimated Available Funds—Fiscal Year 1993	87,600,000
Less: Set-aside for capital improvements for insured projects with incentives under part 248 (available under a separate funding action)	18,000,000
Net Available Funds under this NOFA	69,600,000
Amount of Available Funds segregated for Capital Improvement Loans under this NOFA	12,000,000
Amount of Available Funds set aside for the Operating Assistance component	57,600,000

2. Distribution of Funds—Regional Allocation

For FY 1993, HUD is distributing the Flexible Subsidy funds under this NOFA to each of its ten Regional Offices on the basis of a formula allocation. The formula takes into consideration the number of potentially eligible projects in each region and the extent of the troubled project inventory.

Flexible Subsidy funds available under this NOFA are distributed to the 10 Regional Offices in accordance with the following schedule:

HUD region	Operating assistance	Capital improvement loan
Region I	$4,812,901	$1,002,688
Region II	2,964,237	617,549
Region III	6,005,881	1,251,225
Region IV	9,953,644	2,073,676
Region V	12,799,494	2,666,561
Region VI	6,269,976	1,306,245
Region VII	3,683,668	767,431
Region VIII	2,531,668	527,431
Region IX	7,795,352	1,624,032
Region X	2,144,632	446,798
Totals	57,600,000	12,000,000

The Regional Offices will make awards under this NOFA in accordance with the selection criteria and procedures described in this NOFA.

For this NOFA, applications are invited ONLY for projects that meet the criteria of the top two categories of funding priority—Category 1 and Category 2 projects. (See Section E.1. for a description of the six categories of projects and the order of funding priority.) Any funds under this NOFA that are allocated to a Region but that are not reserved for Flexible Subsidy loans after the Regional Office competition is completed for Category 1 and Category 2 projects will be reallocated to HUD Headquarters as described in the following paragraph 3.

3. Reallocation of Remaining Funds—National Competition

All reallocated funds will be awarded on a nationwide basis in the following manner: HUD Regional Offices will submit to HUD Headquarters the applications that would have been funded had there been sufficient funds in the Regional allocation to do so. HUD Headquarters will select applications from those submitted by the Regional Offices using the ranking criteria and factors identified in Sections E.2. and E.3. of this NOFA and make awards from any available reallocated funds.

If funds remain after making the awards described above, HUD Headquarters will determine whether or not the amount of remaining reallocated funds merits competition for funding of applications in any or all the remaining categories of funding priority, i.e., Category 3 through Category 6 projects. If it is determined that there is sufficient funding to merit a competition for the reallocated funds, a separate NOFA will be published in the **Federal Register** inviting applications for specified category types. If competition is not merited, the reallocated funds will be returned to the Flexible Subsidy Fund.

D. Eligibility

1. Types of Projects

The following types of rental or cooperative housing are eligible for Flexible Subsidy assistance:

a. A project assisted under the section 236 interest reduction program, including State Agency non-insured projects, the section 221(d)(5) program (commonly known as the 221(d)(3) Below Market Interest Rate Program), or the Rent Supplement Program.

b. A project that was constructed more than 15 years before assistance is to be provided under the Flexible Subsidy Program with a direct loan under the section 202 Program for Housing for the Elderly or Handicapped.

c. A project assisted under section 23 of the 1937 Act as in effect immediately before January 1, 1975, that is ineligible for assistance under the modernization program operated under the 1937 Act.

d. A project assisted under the Section 8 Housing Assistance Payments Program after conversion from assistance under the Section 236 Rental Assistance Payments Program or the Rent Supplement Program.

e. A project that met the criteria in item a or b above before acquisition by HUD, and that has been sold by HUD subject to a mortgage insured or held by HUD and subject to an agreement which provides that the low- and moderate-income character of the project will be maintained. An application for Flexible Subsidy assistance for a project in this category must be received by HUD within three years of the date of the sale of the project by HUD.

2. Conditions for Assistance

Flexible Subsidy assistance will be made available in accordance with the conditions imposed by section 201 of HCDA, as amended by the 1992 Act. These conditions are set forth in this paragraph 2. The conditions set forth in subparagraphs f, g, j, k, and l of this paragraph 2 were added to section 201 of the HCDA by section 405(a) of the 1992 Act. The low-income affordability requirement set forth in subparagraph b was already part of the Flexible Subsidy Program, but this subject was addressed further by section 405(c) of the 1992 Act. Accordingly, assistance under this NOFA can be provided only if the following conditions are determined to exist:

a. The assistance is necessary, when considered with other resources available to the project, to restore or maintain the financial or physical soundness of the project; and to preserve the low- and moderate-income character of the project.

b. The owner has agreed to maintain the low- and moderate-income character of the project for a period at least equal to the remaining term of the project mortgage. This constitutes the minimum period for low-income affordability restriction. As authorized by the 1992 Act, HUD, at its discretion, may extend this period of restriction to the remaining useful life of the housing.

c. The assistance will be less costly to the Federal Government over the useful life of the project than other reasonable alternatives of preserving the occupancy character of the project.

d. The project owner, and any mortgagor of a project that does not have an FHA-insured mortgage, has provided or agreed to provide the required owner contribution.

e. The project is or can reasonably be made structurally sound, as determined in accordance with an on-site inspection.

f. All reasonable attempts have been made to take all appropriate actions and provide suitable housing for project residents.

g. There is a feasible plan to involve the residents in project decisions as demonstrated through documentation submitted to HUD.

h. The project is operated competently and has complied with all regulatory and administrative requirements, as determined by HUD in a management review.

i. Project management is in accordance with any management improvement and operating (MIO) plan approved by HUD for the project.[1]

j. The Affirmative Fair Housing Marketing plan meets applicable requirements.

k. The owner certifies that he/she will comply with all applicable equal opportunity statutes.

l. The project is not receiving financial assistance under the ELIHPA or the LIHPRHA.

m. In the case of an application for a Capital Improvement Loan, the owner has funded the reserve for replacements in accordance with HUD requirements, and yet the reserve (and any other project funds available to fund the reserve) is insufficient to finance both the capital improvements for which assistance is being requested, and other capital improvements that are reasonably expected to be required within the next 24 months.

3. Owner Contribution

a. *Limited dividend and profit-motivated.* These types of owners who seek Operating Assistance must make a minimum financial contribution of 25 percent of the amount needed to render the project financially and physically sound. If seeking a Capital Improvement Loan, the owner must contribute 25 percent of the total estimated cost of the capital improvements involved. In addition, a profit-motivated owner or an owner of a limited-dividend project seeking Operating Assistance under the Flexible Subsidy Program must agree to waive the right to pay distributions while any portion of the Operating Assistance loan is outstanding.

b. *Non-profit.* The owner or sponsor of a non-profit rental or non-profit cooperative project seeking Operating Assistance must make a contribution toward the total amount needed. However, if HUD determines that neither the owner (mortgagor) nor the sponsor has the financial capacity to make a cash contribution, HUD may permit the non-profit owner to contribute to the project in the form of services. If seeking a capital improvement loan, a non-profit owner, other than a cooperative association, is exempt from providing a contribution. Owners of cooperative projects are not exempt and must contribute 25 percent of the total estimated cost of the capital improvements involved.

c. *Source of contribution.* This owner contribution may not be taken from project income but may be made from distributions of surplus cash or residual receipts, as appropriate, as defined in and permitted under the Regulatory Agreement. Cash that already has been agreed to be contributed as a condition for approval of purchase of the project (i.e., transfer of physical assets (TPA)) may not be considered for this purpose unless a finding is made that the additional work and cost required was not anticipated or deemed necessary at the time of HUD's preliminary approval of the TPA and preliminary approval of the TPA was received not later than 36 months prior to the Flexible Subsidy application. Cash contributions made by the owner within 36 months before the Flexible Subsidy application, from sources other than project income, may be considered.

In the case of a Capital Improvement Loan, and in accordance with the amendments made to section 201 of the HCDA by section 405(e) of the 1992 Act, when an owner has spent its own money, (as from surplus cash) to attempt to repair capital items within the 36 months before the application, and the repair was unsuccessful and has resulted in a need for a replacement (to be funded by a Capital Improvement Loan), that expenditure will be considered for credit purposes of meeting the contribution requirement.

In addition to the required owner contribution, other non-Federal sources of funding must be pursued aggressively. These include grants or loans from State or local governments, e.g., community development block grants. Note that the infusion of funding from non-Federal sources does not eliminate or reduce the requirement for an owner contribution of 25 percent.

4. Special Eligibility Limits

A project owner may request and receive Flexible Subsidy more than once during the term of the mortgage. However, a repair or replacement item is eligible for Operating Assistance only if no previous payment of HUD-related assistance has been made (e.g., previous Operating Assistance, Housing Development Grant or Community Development Block Grant) for that particular repair or replacement item. A repair or replacement item is eligible for a Capital Improvement Loan to a project owner who has previously received Flexible Subsidy assistance only if the capital items which are the subject of the application have reached the end of their useful life.

A repair or replacement included as an action item on the Form HUD-9835 (project improvement program) and made by the owner on an emergency basis before execution of the Flexible Subsidy contract may be funded with Operating Assistance only if the owner received advance approval from the HUD Field Office to proceed with the emergency repair.

E. Selection Criteria and Ranking Factors

1. General

The number of applications submitted by owners in response to previous years' Flexible Subsidy NOFAs significantly exceeded the number of projects that were eventually funded. Since the funding allocation for FY 1993 is less than in the past three years, and demand for assistance is expected to equal or exceed past years, fewer applicants will likely receive funding in response to this NOFA. Significant HUD staff and travel resources are also expended to evaluate each Flexible Subsidy application (whether or not the application is eventually funded under the competitive process).

In order to reduce the burden on owners whose applications for Flexible Subsidy are unlikely to be funded this fiscal year and to provide for better management of HUD's application review and funding process, ONLY projects in Category 1 or Category 2 as described in paragraph E.2. below may submit applications in response to this NOFA. (See Section I.C.3. of this NOFA, above, for information on the possibility of funding projects in Categories 3 through 6 under a second NOFA, to be published later, if funds remain after funding Category 1 and 2 projects.)

Each application for Operating Assistance and/or a Capital Improvement Loan will be reviewed by the HUD Field Office having jurisdiction over the project in question. Field Offices will recommend applications for funding to the HUD Regional Office.

2. Funding Priorities Established by the 1992 Act

To implement the priorities for funding specified in section 201 of the HCDA, as amended by section 405(b) of

[1] Under HUD's Flexible Subsidy Program, the MIO Plan consists of two parts—Part I and Part II. The components of both parts are discussed in Section III.A. of this NOFA and in sections 5-3 and 5-4 of HUD Handbook 4355.1, REV-1, Flexible Subsidy. Unless specific reference is made in this NOFA to either Part I or Part II, reference simply to the MIO Plan is intended to refer to both parts.

the 1992 Act, funding will be awarded within each component of the Flexible Subsidy Program (Operating Assistance and Capital Improvement Loans) to applications in the category order as specified below under this paragraph b.

Section 405(b)(2) of the 1992 Act provides that "eligible projects that have federally insured mortgages in force are to be selected for award of assistance under section 201 before any other eligible project." The funding priorities set forth in this Section I.E.2. reflect this change made by the 1992 Act.

Additionally, although section 405(b)(2) of the 1992 Act adds as a selection criterion for the award of assistance—the extent of physical improvements needed by the project as evidenced by the comprehensive needs assessment submitted in accordance with title IV of the 1992 Act—this criterion will not be implemented under this NOFA, but will become effective only after implementation of sections 402 to 404 of the 1992 Act, at which point the needs assessment criteria will be incorporated in future NOFAs.

Category 1

Insured projects, designated as troubled by the HUD Field Office, for which half or more of the MIO dollar amount (for Operating Assistance) or Capital Improvement amount is designated for emergency health and safety problems which, if allowed to continue, could present an imminent threat to the life, health, and safety of project residents. Assistance is limited to those projects with emergency problems that are of such a magnitude that:

(a) They cannot be mitigated at a cost that can be in any way absorbed within the operating budget; and

(b) Their continuation could potentially result in tenant displacement.

Accounts payable included in the MIO Plan for operating assistance may be considered "emergency" only to the extent that they directly relate to vital services provided to the project (e.g., utility payables). (Examples of emergency health and safety problems involving possible capital improvements that may be included in this category are broken heating systems, leaking gas stoves and falling balconies.)

Category 2

Insured projects, designated by the HUD Field Office as troubled with serious financial and physical problems, whose sponsors do not have the necessary funds available to cure the immediate problems and in which the income stream cannot be sufficiently improved to meet the project's expenses without first correcting its physical problems.

Category 3

HUD-held projects and projects assisted under section 202 of the HCDA, designated by the HUD Field Office as troubled for which half or more of the MIO dollar amount (for Operating Assistance) or Capital Improvement amount is designated for emergency health and safety problems which, if allowed to continue, could present an imminent threat to the life, health, and safety of project residents. Assistance is limited to those projects with emergency problems that are of such a magnitude that (a) they cannot be mitigated at a cost that can be in any way absorbed within the operating budget; and (b) their continuation could potentially result in tenant displacement.

Category 4

HUD-held projects and projects assisted under section 202 of the HCDA, designated by the HUD-Field Office as troubled, with serious financial and physical problems, which do not have available necessary funds to cure the immediate problems, and in which the income stream cannot be sufficiently improved to meet the project's expenses without first correcting its physical problems.

Category 5

State Agency non-insured projects designated as troubled with emergency problems presenting an imminent threat to the life, health and safety of tenants shall be funded first in this category, and troubled projects with serious financial and physical problems, where the owner has insufficient income and cannot improve the income stream to address the problems shall be funded next.

Category 6

State Agency owned projects designated as troubled with emergency problems presenting an imminent threat to the life, health and safety of tenants shall be funded first in this category, and troubled projects with serious financial and physical problems, where the owner has insufficient income and cannot improve the income stream to address the problems shall be funded next.

3. Funding Eligible Projects Within the Priority Categories

The above categories represent the order of priority that each HUD Regional Office will implement to fund eligible projects seeking assistance under the Operating Assistance and Capital Improvement Loan components of the Flexible Subsidy Program. All projects in a given category will be funded prior to projects in succeeding categories. When available funds are insufficient to fund all projects within a given category, to the extent of available funds, projects in that category will be funded in accordance with their rank. Projects in succeeding categories will not be funded. Scoring and ranking of projects will be based on the following considerations.

The financial distress of a project will be assessed to determine which projects within each funding category are most in need. The Severity of a project's financial condition and its ability to meet short-term operating needs and obligations, including debt service payments will be measured by HUD, using financial data contained in the project's most recently audited balance sheet and statement of profit and loss.

In assessing financial distress, HUD will use the following ratios, awarding a maximum of 15 points for each ratio. Projects with poor financial ratios (e.g., income/expense ratios with a negative value) will be assigned higher point scores than projects with break-even or positive income/expense ratios from operations.

1. Income/Expense Ratio defined as follows:

$$\frac{\text{Net Income/Loss before depreciation LESS annual debt service and reserve payments}}{\text{Total annual cost of operating the project}}$$

2. Mortgage Coverage Payment Ratio defined as follows:

$$\frac{\text{Current Assets LESS Current Liabilities}}{\text{Total monthly mortgage payment}}$$

* * * * *

Up to an additional 15 points will be assigned to those applications where the project serves as a residence for low-income families, and HUD determines that other suitable housing is unavailable for such families in the area in which the project is located. Up to an additional 15 points will be assigned for applicants, other than owners of cooperatives, submitting documented evidence that there will exist significant opportunities for residents to be involved in management of the project.

F. Other Loan Terms and Conditions

1. Operating Assistance

Operating Assistance may be used to correct physical deficiencies which have resulted from deferral of regularly scheduled maintenance and repairs, financial deficiencies that have accrued as a result of prior years' operating deficits, and operating deficits which will accrue during the assistance year.

Project deficiencies which require capital improvements are eligible for Operating Assistance only if they are necessary to meet local building codes or to maintain the project in a decent, safe and sanitary condition, and it is determined that Operating Assistance is the most efficient method of funding the improvements. Operating Assistance may not be used to repair or replace items that have already received HUD-related assistance; provide major new improvements; or to make repairs needed due to an owner's failure to honor a commitment in a TPA or Workout Agreement.

Operating Assistance is provided as a deferred loan with an interest rate of one percent per annum and no maturity date. In general, repayment in full is required when the term of the mortgage expires, the mortgage insurance terminates, or a TPA is approved by HUD. Owners may not pay distributions as long as the Operating Assistance loan is outstanding. However, owners do retain the right to accrue distributions and may pay them from surplus cash after the Operating Assistance loan is repaid.

2. Capital Improvement Loan

Repair items eligible for funding as a Capital Improvement Loan include any major repair or replacement of building components or other on-site improvements included in allowable costs when the project was built, e.g., sewer laterals, roof structures, ceilings, wall or floor structures, foundations, plumbing, heating, cooling, electrical systems and major equipment, as well as any major repair or replacement of any short-lived building equipment or component before the expiration of its useful life.

Improvements eligible for funding may also include limited supplements or enhancements to mechanical equipment TO THE EXTENT THEY ARE NEEDED FOR THE HEALTH AND SAFETY OF THE RESIDENTS (e.g., air conditioning, heating equipment, and building sprinkler systems) where they do not exist; improvements necessary to comply with HUD's standards in 24 CFR part 8 for accessibility to individuals with handicaps; and cost effective energy efficiency improvements. Improvements eligible for funding as a Capital Improvement Loan do not include maintenance of any building components or equipment. A capital improvement may not be financed partly by Operating Assistance and partly by a Capital Improvement Loan. However, an owner may apply for a Capital Improvement Loan to cover eligible capital improvements and simultaneously apply for Operating Assistance to cover deferred liabilities. Only one application would be required, but it must include all required documents for each program.

Capital Improvement assistance must be provided in the form of an amortizing loan. The interest rate on the loan may not be less than 3 percent (unless HUD determines that a lower rate is necessary to maintain reasonable rental rates, but in no case less than 1 percent) nor more than 6 percent. The rate is determined taking into consideration the project's ability to absorb the rent increase and the percentage of the tenants receiving rental assistance. Interest on the Capital Improvement Loan starts to accrue and the loan amortization period begins immediately upon full disbursement of loan proceeds.

II. Application and Funding Award Process

A. Obtaining and Preparing Applications

1. Obtaining Applications

Applicants may obtain application kits from the local HUD Field Office.

2. Necessity To Specify Type of Assistance for Which Application Is Being Made

An owner may apply for an Operating Assistance Loan only, a Capital Improvement Loan only, or both an Operating Assistance Loan and a Capital Improvement Loan simultaneously in a single application package. The application cover letter must clearly state the type (or types) of loan for which application is being made. Each application will be treated separately under the selection criteria and ranking factors cited in the NOFA.

3. Applying for Both Types of Assistance

If application is being made for both an Operating Assistance Loan and a Capital Improvement Loan simultaneously, with the exception of the Management Objectives, Action Items, and Sources and Uses of Funds (Forms HUD–9835, HUD–9835–A, HUD–9835–B), those documents which are common to both programs may be submitted only once. However, all documents required for each program must be included in the application package.

Two distinct and separate sets of Management Objectives, Action Items, and Sources and Uses of Funds (Forms HUD–9835, HUD–9835–A, HUD–9835–B) are required; taken together they must contain the entire comprehensive plan to correct all project deficiencies. The MIO Plan and Forms HUD–9835 for the Operating Assistance Loan application must contain all items for which funding is being requested under Operating Assistance; the Forms HUD–9835 for the Capital Improvement Loan must contain all items for which funding is being requested under the Capital Improvement Loan program.

In addition, deficiencies, which are to be corrected with funds from sources other than Flexible Subsidy, must be identified on the MIO Plan and Forms HUD–9835 as if Flexible Subsidy assistance were being requested. Note that, if a limited-dividend project is selected for Operating Assistance, the owner must agree to waive his right to pay distributions as long as the Operating Assistance Loan is outstanding.

B. Submitting Applications

1. To ensure consideration for funding under this NOFA, completed applications must be physically received by the HUD Field Office Loan Management Branch before or on the due date by 4 p.m. local time. It is not sufficient for an application to bear a postmark date within the submission time period. The HUD Field Office will date-stamp incoming applications to evidence (timely or late) receipt, and, on request, provide the application with an acknowledgement of receipt.

After HUD receives the application, it will perform a physical inspection to assure that the MIO Plan addresses in a comprehensive fashion all the financial and physical deficiencies. HUD also will conduct a comprehensive management review to assure that all management issues are addressed as part of the MIO Plan and project operation and improvement program.

2. Applications received after the due date and time specified in this NOFA may be considered for funding in FY 1993 only if it is determined that assistance is needed immediately in response to emergency circumstances, and only to the extent that contract authority is available to satisfy the request for assistance.

C. Funding Award Process: Compliance With HUD Reform Act

1. Section 103

In accordance with the requirements of section 103 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act) and HUD's implementing regulations at 24 CFR part 4, no selection information will be made available to applicants or other persons not authorized to receive this information during the period of HUD review and evaluation of the applications. However, applicants that are declared ineligible or late will be notified of their ineligibility at the time such determination is made.

The disclosure prohibition of section 103 applies to HUD assistance programs that entail a competition for the distribution of the assistance. Under the Flexible Subsidy Program, if a given HUD Regional Office determines that competition is not necessary for the distribution of Category 1 funds, because there are sufficient funds to award all projects eligible for Category 1 assistance, then the Regional Office will begin the process of awarding funds to each eligible project.

Noncompetitive individual funding allocations and announcements under Category 1 will be made, as funding determinations are completed, through the HUD Regional or Field Offices after notification to the Congressional delegation. No information regarding any unfunded application or any competition in any other category will be made available to the public. All awards will be disclosed publicly at the conclusion of the entire selection process. These procedures are in accordance with the requirements of section 103. (See revised definition of "assistance" in the interim rule amending 24 CFR part 4, published on August 4, 1992 (57 FR 34246, 34247.)

2. Section 102

Section 102 contains a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. The following requirements concerning documentation and public access, disclosures, and subsidy layering determinations are applicable to assistance awarded under this NOFA.

a. *Documentation and public access.* HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these requirements.)

b. *Disclosures.* HUD will make available to the public for five years all applicant disclosure reports (Form HUD–2880) submitted in connection with this NOFA. Update reports (also Form HUD–2880) will be made available along with the applicant disclosure reports, but in no case for a period of less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

c. *Subsidy-layering determinations.* 24 CFR 12.52 requires HUD to certify that the amount of HUD assistance is not more than is necessary to make the assisted activity feasible after taking into account other government assistance. HUD will make the decision with respect to each certification available to the public free of charge, for a three-year period. (See the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942) for further information on requesting these decisions.) Additional information about applications, HUD certifications, and assistance adjustments, both before assistance is provided or subsequently, are to be made under the Freedom of Information Act (24 CFR part 15).

D. Coordination of Assistance

Section 405(f) of the 1992 Act requires the coordination of the allocation of Flexible Subsidy assistance with the allocation of assistance made under section 8 of the 1937 Act and section 203 of the HCDA.

Awards of section 8 assistance under the Section 8 Loan Management Set-Aside (LMSA) program will be made in June, 1993. The final application review and determinations for the award of Flexible Subsidy assistance will begin in August, 1993. To insure coordination of assistance under these two programs, HUD will identify those projects seeking assistance under the Flexible Subsidy program which have been approved for the award of LMSA. For those projects so identified, a further review will be made to evaluate the effect of the award of LMSA on the project's cash flow and the enhanced ability of the project to fund MIO repair items from the increased project operating income. By taking into consideration all funding sources, this review will insure that the infusion of Flexible Subsidy assistance together with the LMSA represents the appropriate solution to satisfying the project's need for stabilization of project operations and maintenance or restoration of the project to an acceptable physical and financial condition.

With respect to coordination of assistance under section 203 of the HCDA, HUD does not intend to provide Flexible Subsidy assistance when there exists delinquent indebtedness to the Government, or where a project is either owned by HUD or HUD anticipates foreclosure.

III. Checklist of Application Submission Requirements

A. Operating Assistance Under the Flexible Subsidy Program

The following items must be submitted with an application for Operating Assistance under the Flexible Subsidy Program.

1. Items Pertaining to Project Operation and Improvement

a. Management Improvement and Operating (MIO) Plan Part I. (Refer to section 5–3 of HUD Handbook 4355.1, Rev–1, Flexible Subsidy, for further discussion of MIO Plan Part I.)

The MIO Plan Part I must include documentation of eligibility and fully address all financial, management, and physical deficiencies of the project. To be included in every MIO Plan are:

(1) A detailed maintenance schedule;

(2) A schedule for correcting past deficiencies in maintenance, repairs, and replacements;

(3) A plan to upgrade the project to meet cost-effective energy efficiency standards approved by HUD;

(4) A plan to improve financial and management control systems;

(5) An updated annual operating budget (Form HUD–92547–A) if the last budget was submitted more than 90 days before; and

(6) A description of cost controls, procedures and savings.

b. MIO Plan Part II—Management Objectives, Action Items, and Sources

and Uses of Funds (Forms HUD–9835, HUD–9835–A, HUD–9835–B). (Refer to section 5–4 of HUD Handbook 4355.1, Rev. 1, Flexible Subsidy, for further discussion of MIO Plan Part II.

(1) Management Objectives must be specific, measurable, and must address all management deficiencies including actions which will be performed to improve management and personnel and upgrade tenant services, and provide opportunities for resident involvement in management of the project, as appropriate.

(2) Action Items must address all project deficiencies, including those which are to be corrected using resources other than Flexible Subsidy assistance. Action Items must be written in a manner which specifically describes the scope of the work and provides an estimate of the cost of the work to be performed. In addition, they must be structured so as to be highly visible items for which expenditures and work progress can be easily monitored. For example, if boilers are to be replaced, the description should identify the malfunctioning unit, its age, and its location, e.g., building number, basement/roof. A further explanation should identify the replacement unit, the estimated cost per unit and the labor cost associated with the entire replacement. Failure to provide the requisite comprehensiveness and specificity may adversely affect the funding decision.

All emergency repair Action Items must be clearly identified and must be accompanied by a full and detailed justification as to the reasons the repair should be considered "emergency" in nature, including supporting documentation as appropriate, e.g., fire or building code violations or inspections from local government authorities.

(3) The Sources and Uses of Funds will serve to document how much each source will contribute to the Project Improvement Account in the implementation of the MIO Plan. It must be signed by both the owner and the management agent.

2. All documentation required by HUD Notice H–90–17, Combining Low-Income Housing Tax Credits (LIHTC) with HUD Programs, and by the Notice of Administrative Guidelines to be Applied to Assistance Programs of the Office of Housing, published on April 9, 1991 (56 FR 14436).

3. Anti-lobbying Certification for Contracts, Grants, Loans and Cooperative Agreements for Grants Exceeding $100,000; and Disclosure of Lobbying Activities (Standard Form-LLL), if warranted. Standard Form-LLL is required if funds other than federally appropriated funds will be or have been used to lobby the Executive or Legislative branches of the Federal Government regarding specific contracts, grants, loans or cooperative agreements.

4. Form HUD–2530, Previous Participation Certificate(s) for all principals requiring clearance under these procedures.

5. Certification that the applicant will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA), implementing regulations at 49 CFR part 24, and HUD Handbook 1378, "Tenant Assistance, Relocation and Real Property Acquisition".

6. Affirmative Fair Housing Marketing Plan on Form HUD–935.2.

7. Certification that the applicant will comply with the provisions of the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Executive Orders 11063 and 11246, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, section 3 of the Housing and Urban Development Act of 1968, and all regulations issued in accordance with these authorities.

8. Form HUD–2880, Applicant/Recipient Disclosure/Update Report, as required under subpart C of 24 CFR part 12, Accountability in the Provision of HUD Assistance.

B. Capital Improvement Loan Program

The following items must be submitted with an application for a Capital Improvement Loan under the Flexible Subsidy Program.

1. A work write-up and cost estimates listing:

a. The major project components that have failed, or are likely to fail or seriously deteriorate within the next 24 months;

b. Capital items that can be upgraded to meet cost-effective energy efficiency standards approved by HUD;

c. Supplements or enhancements to mechanical equipment and the extent they are needed for health or safety reasons; and

d. Amounts needed to comply with the Department's standards as set forth in 24 CFR part 8, which concern accessibility to individuals with handicaps.

2. All documentation required by HUD Notice H–90–17, Combining Low-Income Housing Tax Credits (LIHTC) with HUD Programs, and by the Notice of Administrative Guidelines to be Applied to Assistance Programs of the Office of Housing, published on April 9, 1991 (56 FR 14436).

3. Anti-lobbying Certification or Contracts, Grants, Loans and Cooperative Agreements for Grants Exceeding $100,000; and the Disclosure of Lobbying Activities (Standard Form-LLL), if warranted. Standard Form-LLL is required if funds other than federally appropriated funds will be or have been used to lobby the Executive or Legislative branches of the Federal Government regarding specific contracts, grants, loans or cooperative agreements.

4. A comprehensive technical energy analysis which includes a review of all capital improvements for which assistance is requested, and related capital items whose improvement or upgrading will result in cost-effective energy efficiency improvements. The results of the analysis will be a list of specified improvements, their costs and evidence of their cost effectiveness. An energy analysis that is provided by a local utility company and that contains a measure of cost-effectiveness information may be accepted in meeting this requirement.

5. MIO Plan Part I. (See item 1.a under Section III.A. of this NOFA.). A MIO Plan Part 1 for the Capital Improvement Loan Program is required only when one or more of the following conditions exist:

a. The project is in default or was in default at any time during the one-year period preceding the application date.

b. The project received a Below Average or Unsatisfactory rating for Overall Physical Condition or for Maintenance Policies and Practices on the most recent HUD–9822, Physical Inspection Report (unless the owner has since corrected the problems in a manner satisfactory to HUD).

c. The project received a Below Average or Unsatisfactory rating in the Financial Management Section or Overall Management Section on the HUD–9834, Management Review, in the past 24 months (unless the owner has corrected the problems through a substitution of management agent, management personnel, or otherwise, in a manner satisfactory to HUD).[2]

[2] Although the corresponding section of the Flexible Subsidy regulations—24 CFR 219.310(b)(3)—refers to the applicable ratings as "unsatisfactory" or "marginally satisfactory," the rating terms used in Forms 9822 and 9834, and with which project owners are more familiar, are "below average" and "unsatisfactory." At the time of issuance of the part 219 final rule (published on July 21, 1992, 57 FR 32398), HUD inadvertently failed to amend § 219.310(b) to substitute these more current and familiar rating terms for the terms used in § 219.310(b). HUD will make this amendment when it further amends part 219 to include the changes made to the Flexible Subsidy

Continued

6. MIO Plan Part II, Management Objectives, Action Items, and Sources and Uses of Funds (Forms HUD–9835, HUD–9835–A, HUD–9835–B). (See item 1.b under Section III.A of this NOFA.)

7. A statement outlining the owner's contribution.

8. Form HUD–2530, Previous Participation Certificate(s) for all principles requiring clearance under these procedures.

9. Certification that the applicant will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), implementing regulations at 49 CFR part 24, and HUD Handbook 1378, "Tenant Assistance, Relocation and Real Property Acquisition".

10. Affirmative Fair Housing Marketing Plan on Form HUD–935.2.

11. Certification that the applicant will comply with the provisions of the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Executive Orders 11063 and 11246, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, section 3 of the Housing and Urban Development Act of 1968, and all regulations issued in accordance with these authorities.

12. Form HUD–2880, Applicant/Recipient Disclosure/Update Report, as required under subpart C of 24 CFR part 12, Accountability in the Provision of HUD Assistance.

IV. MIO Plan Review

In accordance with the amendment made to section 201 of the HCDA by section 406 of the 1992 Act, within 30 days of receipt by HUD from the owner of the MIO Plan Part I, HUD will advise the owner, in writing, whether or not the MIO Plan Part I meets the submission requirements as stated in Section III.A.1.a. of this NOFA.[3] Should HUD fail to inform the owner of its disapproval within the 30-day time-frame, the MIO Plan Part I shall be considered to be approved. If HUD disapproves the MIO Plan Part I, no further consideration will be given to the applicant for award of funds under this NOFA. The 30-day review requirement is imposed only on the MIO Plan Part I for the reasons set forth in the following paragraphs.

HUD, through its handbook implementation of the Flexible Subsidy Program, has created a MIO Plan Part I and a MIO Plan Part II. (See HUD Handbook 4355.1 REV–1, Flexible Subsidy.) The MIO Plan Part I incorporates the components of the plan required by the HCDA. The MIO Plan Part II incorporates the components of the plan imposed by HUD as a matter of administrative discretion.

In enacting section 406, it is HUD's reading that the intent of the Congress was to require HUD to approve or disapprove the MIO Plan Part I within 30 days of its submission by the owner to the Secretary, because it is the MIO Plan Part I which contains the items required by statute to be included in the plan. The items that comprise the MIO Plan Part I, and described in section 201(d)(6) of the HCDA, have been determined by the Congress to be the minimum items necessary for an appropriate MIO plan, and through section 406, it appears that the Congress has further determined that these statutorily imposed components of the plan could and should be reviewed and approved or disapproved within a 30 day period.

Section 201(d)(6) of the HCDA provides that the MIO Plan must include, at a minimum, the following items: (A) A detailed maintenance schedule; (B) a schedule for correcting past deficiencies in maintenance, repairs and replacements; (C) a plan to upgrade the project to meet cost-effective energy efficiency standards approved by the Secretary; (D) a plan to improve financial and management control systems; and (E) a detailed annual operating budget taking into account such standards for operating costs in the area as may be determined by the Secretary. The MIO Plan Part I requires the submission of all of these items.

The MIO Plan Part II is comprised of HUD administrative requirements. The MIO Plan Part II consists of four principal components: (1) Management Objectives—which sets forth the owner's plan to address all management deficiencies; (2) Action Items—which must address all project deficiencies, including those to be corrected using resources other than Flexible Subsidy assistance; (3) Sources and Uses of Funds—which documents how much each source will contribute to the Project Improvement Account in the implementation of the MIO Plan; and (4) HUD certifications and disclosures; that is, the submission of various certifications and disclosures required by certain HUD regulations, e.g., anti-lobbying certification, certification of compliance with the Uniform Relocation Assistance Act. (Please see Section III.A.B.2 of this NOFA for a more detailed description of the items required under the MIO Plan Part II.)

These additional items, required to be submitted under the MIO Plan Part II, are not only important in assisting HUD to assess whether the project, for which assistance is being requested, is being operated in accordance with a sound management plan, but assist HUD in determining: (1) The degree to which the project's problems present a threat to the life, health and safety of the project residents; (2) that the project owner is in compliance with other applicable HUD program requirements; and (3) that funds will be used appropriately in project improvement.

A competent and responsible review of the items required to be submitted under the MIO Plan Part I, *and* those required to be submitted under the MIO Plan Part II would take significantly more than 30 days for review. To collapse the entire MIO Plan review process into a 30 day period would result in program administration problems that may adversely affect project owners. An abbreviated review period for the entire MIO Plan may result in cursory review and (1) disapproval of plans, which would have been approved under a more reasonable review period, or (2) approval of plans which should have been disapproved because they do not satisfactorily meet the statutory or administrative requirements.

HUD does not believe that the intent of the Congress was to create the possibility of inequitable results in the award of Flexible Subsidy assistance, which would be the case if the 30-day review period is applied to both parts of the MIO Plan. HUD believes that the intent of the Congress was, however, to expedite the MIO Plan review process, and this objective will be achieved by limiting review of the MIO Plan Part I to 30 days.

V. Corrections to Deficient Applications

HUD will notify an applicant, in writing, shortly after the expiration of the NOFA response deadline of any technical deficiencies in the application. In order to receive further consideration for assistance, the applicant must submit corrections to the Loan Management Branch within 14 calendar days from the postmark date of HUD's letter notifying the applicant of any such deficiencies. Corrections to technical deficiencies will be accepted within the 14 day time limit, but

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Program by the Housing and Community Development Act of 1992.

[3] As discussed in Section I.B.2 of this NOFA, section 406 of the 1992 Act amended 201 of the HCDA to impose the following requirement on HUD: "[T]he Secretary shall review and approve or disapprove each plan not later than the expiration of the 30-day period beginning upon the date of submission of the plan to the Secretary by the owner, but if the Secretary fails to inform the owner of approval or disapproval of the plan within such period the plan shall be considered to have been approved."

substantive changes or supplements to the application will not be accepted.

Applicants will only be permitted to correct those deficiencies determined to be technical, i.e., those that do not change the substance of the application, e.g., a missing certification, or missing signature. Technical deficiencies do not include owner-initiated changes to the MIO Plan or Form HUD–9835. Applicants will be required to cure any such deficiency with 14 days from the date of HUD's written notice to the applicant of the problem(s). Deficiencies determined to be substantive may not be corrected.

VI. Other Matters

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection during business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

Federalism Executive Order

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this Notice of Fund Availability will not have substantial, direct effects on States, on their political subdivisions, or on their relationship with the Federal Government, or on the distribution of power and responsibilities between them and other levels of government.

Family Executive Order

The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this Notice of Fund Availability will not have a significant impact on family formation, maintenance or well being, and therefore, is not subject to review under the order. The NOFA, insofar as it funds emergency repairs to multifamily housing projects, will assist in preserving decent housing stock for families residing there.

Prohibition Against Lobbying Activities

The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (the "Byrd Amendment"), and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87, applicants, recipients, and subrecipients of assistance exceeding $100,000 must certify that no Federal funds have been or will be spent on lobbying activities in connection with the assistance.

Indian Housing Authorities (IHAs) established by an Indian tribe as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but IHAs established under State law are not excluded from the statute's coverage.

Prohibition Against Lobbying of HUD Personnel

Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

HUD's regulation implementing section 13 is codified at 24 CFR part 86. If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in Appendix A of the rule. Appendix A of this rule contains examples of activities covered by this rule.

Any questions concerning the rule should be directed to the Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone: (202) 708–3815 (voice/TDD). This is not a toll-free number. Forms necessary for compliance with the rule may be obtained from the local HUD office.

Prohibition Against Advance Information on Funding

Section 103 of the HUD Reform Act proscribes the communication of certain information by HUD employees to persons not authorized to receive that information during the selection process for the award of assistance. HUD's regulation implementing section 103 is codified at 24 CFR part 4, and was recently amended by an interim rule published in the **Federal Register** on August 4, 1992 (57 FR 34246). In accordance with the requirements of section 103, HUD employees involved in the review of applications and in the making of funding decisions are restrained by 24 CFR part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted by 24 CFR part 4. Applicants who have questions should contact the HUD Office of Ethics (202) 708–3815 (voice/TDD). (This is not a toll-free number.)

Catalog. The Catalog of Federal Domestic Assistance Program number is 14.164.

Authority: Sec. 201, Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: June 1, 1993.

Nicolas P. Retsinas,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 93–13288 Filed 6–4–93; 8:45 am]

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federal register

Monday
June 7, 1993

Part V

Department of Transportation

Federal Aviation Administration

14 CFR Part 23

Accelerated Stalls in Commuter Category Airplanes; Proposed Rule and Notice of Availability of Proposed Change to an Advisory Circular

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 27316 Notice No. 93-5]

RIN 2120-AE86

Accelerated Stalls in Commuter Category Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The proposed rule would eliminate the certification requirement to demonstrate an accelerated entry stall for commuter category airplanes. Commuter category airplanes typically have high power-to-weight ratios that require the airplane to achieve extremely high angles of attack (excessive nose-high attitudes) during accelerated stall demonstrations. A reduced safety margin exists for airplanes that attain these extreme nose-high angles during accelerated entry stalls. The proposed change would remove an unwarranted hazard during flight demonstrations required for airplane type certification, and would not compromise passenger safety.

DATES: Comments on this notice must be submitted on or before September 7, 1993.

ADDRESSES: Comments on this notice should be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-10), Docket No. 27316, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 27316. Comments may be examined in room 915G weekdays between 8:30 a.m. and 5 p.m., except on Federal holidays.

In addition, the FAA is maintaining an information docket of comments in the Office of the Assistant Chief Counsel, ACE-7, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106. Comments in the information docket may be inspected in the Office of the Assistant Chief Counsel weekdays, except Federal holidays, between the hours of 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: J. Lowell Foster, (ACE-112), Small Airplane Directorate, Federal Aviation Administration, room 1544, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 426-5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this notice are also invited. Substantive comments should be accompanied by cost estimates, if appropriate. Comments should identify the regulatory docket or notice number and should be submitted in triplicate to the Rules Docket address specified above. All comments received on or before the closing date for comments specified will be considered by the Administrator before taking action on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a preaddressed, stamped postcard on which the following statement is made: "Comments to Docket No. 27316." The postcard will be date stamped and mailed to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-200, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM.

Persons interested in being placed on the mailing list for future NPRM's should request from the above office a copy of Advisory Circular (AC) No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

Statement of the Problem

The FAA is proposing to amend § 23.203 of the Federal Aviation Regulations (FAR) (14 CFR part 23) to eliminate the current requirement that an accelerated entry stall be demonstrated in flight tests of commuter category airplanes. An accelerated stall is demonstrated in flight tests by establishing and maintaining a medium banked coordinated turn with an airspeed reduction of three to five knots per second with constantly increasing normal acceleration until the point at which the critical angle of attack is exceeded and the airplane stalls.

Engine technology improvements allow manufacturers to design commuter airplanes with high thrust-to-weight ratios. Such ratios are necessary to meet increased performance requirements. These high thrust-to-weight ratios produce a potentially unsafe condition because a stall at the prescribed speeds and power settings may produce a situation in which the airplane is operated in an extremely nose-high attitude and significantly below minimum controllable airspeed (V_{MC}).

History

In 1987, the FAA adopted various airworthiness requirements for the certification of commuter category airplanes. This category includes airplanes with a maximum seating capacity, excluding pilot seats, of 19 or fewer, and a maximum certificated takeoff weight of 19,000 pounds or less. Until the adoption of the commuter category, part 23 airplanes were limited to a 12,500 pound maximum certificated takeoff weight. The airworthiness standards for normal, utility, acrobatic, and commuter category airplanes are contained in part 23, and standards for transport category airplanes are contained in part 25. Below 1980, few airplanes were designed near the 12,500 pound limitation; airplanes were either considerably above or below that weight.

Beginning in the 1970's, airplanes were designed with improved performance and load carrying characteristics to accommodate the 10 to 20 passengers typically transported in commuter and charter operations. These intermediate sized airplanes slightly exceeded the 12,500 pound maximum gross takeoff weight threshold for small airplanes and did not conform precisely to the certification requirements of either part 23 or 25. Although the typical flight profile of these modern, high performance airplanes were more closely aligned with the transport category airplanes, their physical size and production costs were analogous to part 23 airplanes certificated in the normal category. Effective September 13, 1982, the FAA adopted Special Federal Aviation Regulation (SFAR) 41C, (47 FR 35150, August 12, 1982), an interim special regulation that provided

additional airworthiness standards applicable to existing propeller driven multiengine small airplanes. This SFAR reinstates and extends SFAR 41 (44 FR 53723, September 17, 1979) and allows part 23 commuter airplane type and airworthiness recertification at weights in excess of 12,500 pounds or with an increase in number of passenger seats, or both. Production of airplanes recertificated under the SFAR was limited to ten years from the date of adoption of SFAR 41C.

Effective February 17, 1987, the FAA added airworthiness standards commuter category airplanes to part 23 (52 FR 1806, January 15, 1987). The rule was issued, in part, in response to an FAA/Industry Commuter Airplane Weight Committee petition to amend the regulations to allow certain small airplanes to be type certificated at maximum certificated takeoff weights greater than 12,500 pounds without complying with the transport category airworthiness requirements of part 25. The rule was based on the results of a three-phase program for the certification and operation of commuter category airplanes. This three-phase program included: (1) Revising the operating rules of air taxi and commercial operators to align them with the operating rules of domestic, flag, and supplemental air carrier and commercial operators of large aircraft; (2) issuing temporary regulations on additional airworthiness requirements for commuter category airplanes; and (3) establishing the Light Transport Airworthiness Review Program.

Although the rule revised many sections of part 23 to accommodate commuter category airplanes, the rule did not amend the accelerated stall demonstration the requirement contained in § 23.203. On January 25, 1990, Fairchild Aircraft Corporation filed a petition for rulemaking requesting that the requirement for commuter category airplanes to demonstrate an accelerated stall be eliminated. Fairchild states that its own flight testing showed that the required maneuvers of § 23.203(a)(2) should not apply to large, twin-engine commuter category airplanes designed for airline service. Fairchild states that most large, twin-engine airplanes have high power-to-weight ratios and can attain extremely high angles of attack and relatively low airspeeds without stalling, making an inadvertent accelerated stall during flight operations extremely unlikely. Further, Fairchild notes that transport category airplanes, to which commuter category airplanes are comparable, are not required to demonstrate accelerated stalls.

A summary of the Fairchild petition was published for public comment on April 3, 1990 (55 FR 12383). No comments were received on the petition.

Following receipt of the Fairchild petition of rulemaking, the FAA requested that the Aviation Rulemaking Advisory Committee (ARAC) review the petition and recommend a disposition to the FAA. The ARAC was chartered in February 1991, under the Federal Advisory Committee Act, to provide recommendations to the FAA Administrator on FAA rulemaking activity relating to aviation safety issues.

On January 23, 1992, the Accelerated Stalls Working Group of the ARAC's General Aviation and Business Airplane Subcommittee reviewed the Fairchild petition. The working group, and subsequently the ARAC subcommittee, recommended that the FAA revise the certification standards for commuter category airplanes as proposed in the Fairchild petition.

When the FAA initially amended part 23 to adopt certification standards for commuter category airplanes, the FAA noted that it would continue to review airworthiness standards for commuter category airplanes and would propose improvements and updates, when necessary, to maintain the level of safety intended for airplanes to be used in commuter service if such changes were shown to be in the public interest.

The FAA has reviewed the information contained in the Fairchild petition and the ARAC recommendation, and agrees that the accelerated stall demonstration requirement of § 23.203(a)(2) is an unwarranted hazard for commuter category airplanes. Commuter category airplanes are flown by pilots who have a higher required level of training and proficiency than their counterparts who fly normal category airplanes. In addition, commuter category airplanes are flown in a more controlled environment.

In the unlikely event that a manufacturer decides to certificate an airplane in the commuter category and another category of Part 23 (normal, utility or acrobatic), the FAA has determined that the demonstration of an accelerated stall is still warranted. The lower required level of training and experience of pilots of non-commuter category airplanes makes the operation of such airplanes less predictable. Accordingly, the FAA has determined that the benefits of demonstrating an accelerated stall in these airplanes outweigh the risks associated with the demonstration.

Intent of the Proposed Rule

The ARAC and the industry have expressed a need for a revised airworthiness certification standard for accelerated stall demonstration for commuter category airplanes. This need would be addressed satisfactorily by eliminating the accelerated stall demonstration for commuter category airplanes. The airplane attitude that may result from tests required by § 23.203(a)(2) could produce an unsafe situation if an engine failed during demonstration of the accelerated stall. The FAA also considered that an inadvertent accelerated stall would be very unlikely during normal flight operations because these airplanes are operated by trained, type-rated pilots of commuter category airplanes.

Specifically, § 23.203 would include new language to provide that the accelerated entry stall demonstration requirement for normal, utility, and acrobatic category airplanes would not apply to commuter category airplanes certificated under part 23.

General Discussion of the Proposal

Section 23.203

Section 23.203(a)(2) requires that airplanes certificated under part 23 demonstrate an accelerated stall. Under the proposal, commuter category airplanes would be exempted from that requirement. The proposal would amend the introductory text of § 23.203 by requiring an accelerated stall demonstration for all airplane categories listed in the part 23, except as provided in proposed § 23.203(d). A new § 23.203(d) would exempt commuter category airplanes, and defined in § 23.3, from the accelerated stall provisions of § 23.203(a)(2).

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1990 (44 U.S.C. 3501 *et seq.*), there are no requirements for information collection associated with this proposed rule.

Regulatory Evaluation Summary

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if the potential benefits to society outweigh the potential costs. The order also requires a Regulatory Impact Analysis of all "major" rules, except those responding to emergency situations or other narrowly defined exigencies. A "major" rule is one that is likely to result in: an annual effect on the economy of $100 million or more; a major increase in costs or prices for

consumers, individual industries, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The FAA has determined that this proposal is not "major" as defined in the executive order; therefore, a full regulatory analysis, that includes the identification and evaluation of cost reduction alternatives to this proposal, has not been prepared. Instead, the agency has prepared a more concise regulatory evaluation that analyzes only this proposal without identifying alternatives, as summarized below. That section also contains an initial regulatory flexibility determination required by the 1980 Regulatory Flexibility Act (5 U.S.C. Section 601 *et seq.*) and a Trade Impact Assessment. If more detailed economic information is desired than is contained in this summary, the reader is referred to the full regulatory evaluation in the docket.

Benefits and Costs

The proposed rule change would provide benefits in the form of reduced risk and reduced costs during type certification flight demonstrations. It would not impose any new compliance costs or compromise passenger safety.

Accelerated entry stalls during which commuter category airplanes must attain extreme nose-high angles, are an unwarranted hazard and may result in loss of the airplane and flight crew. High thrust-to-weight ratios make such demonstrations risky because a stall at the prescribed speeds and power settings may produce a situation where the airplane is operated below the minimum controllable airspeed in an extreme nose-high attitude. The fact that no lives or airplanes have been lost during such tests to date belies the potential risk of the current requirement. This condition is so extreme that a type-rated pilot would recognize it long before the airplane stalled.

In addition to the potential safety benefit, the proposed amendment could save manufacturers a minimum of $1,100 per new type certification. This estimate assumes that two hours of flight testing would no longer be required, at a savings of $400 per hour in airplane operational expenses and $75 per hour for each of the two pilots. Accordingly, the FAA finds this proposed rule change to be cost-beneficial.

Regulatory Flexibility Determination

The Regulatory Flexibility Act (RFA) of 1980 was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by Government regulations. The RFA requires a Regulatory Flexibility Analysis if a rule is expected to have a "significant economic impact on a substantial number of small entities."

Based on the standards and thresholds specified in FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, the FAA has determined that the proposed rule would not have a significant impact on a substantial number of small aircraft manufacturers.

Trade Impact Assessment

The cost savings associated with the proposed rule would not be significant enough to result in a relative trade advantage to either U.S. or foreign entities. Therefore, the FAA has determined that it would have no impact on the sale of foreign products domestically or the sale of U.S. products in foreign markets.

Federalism Implications

The regulation proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

The FAA proposes to revise the airworthiness standards to eliminate the current requirement that an accelerated stall be demonstrated in flight tests of commuter category airplanes. High thrust-to-weight ratios are typical of commuter category airplanes; such ratios are necessary for commuter category airplanes to meet increased performance requirements. This proposal would retain the current level of airplane occupant protection while reducing the chance of a situation in which the airplane is operated on an extremely nose-high attitude and significantly below minimum controllable airspeed (V_{MC}), producing a potentially unsafe condition.

For the reasons discussed above, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this proposed regulation is not major under Executive Order 12291. In addition, the FAA certifies that this proposal, if adopted, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This proposal is considered significant under DOT Order 2100.5, Policies and Procedures for Simplification, Analysis, and Review of Regulations. A draft regulatory evaluation of the proposal, including an initial Regulatory Flexibility Determination and International Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 23

Air transportation, Airplane, Aviation safety, Safety.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 23 of the Federal Aviation Regulations (14 CFR part 23) as follows:

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES

1. The authority citation for part 23 continues to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1425, 1428, 1430; 49 U.S.C. 106(g).

2. Section 23.203 is amended by revising the introductory paragraph and by adding a new paragraph (d) to read as follows:

§ 23.203 Turning flight and accelerated stalls.

Except as provided in paragraph (d) of this section, turning flight and accelerated stalls must be demonstrated in flight tests as follows:

* * * * *

(d) The accelerated stall flight test requirement of paragraph (a)(2) of this section does not apply to commuter category airplanes as defined in § 23.3(d) of this part.

Issued in Washington, DC on June 1, 1993.

Thomas E. McSweeny,

Acting Director, Aircraft Certification Service.

[FR Doc. 93-13311 Filed 6-4-93; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular; Change #1 to AC 23–8A, Flight Test Guide for Certification of Part 23 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed change to an advisory circular and request for comments.

SUMMARY: This notice announces the availability and request for comments on proposed change 1 to AC 23–8A, which provides information and guidance concerning accelerated stalls during flight tests.

DATES: Comments must be received on or before August 6, 1993.

ADDRESSES: Send all comments on the proposed AC to: Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, Standards Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Julea Bell, Standards Staff (ACE–110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration; telephone number (816) 426–6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this proposed AC by contacting the person named above under "FOR FURTHER INFORMATION CONTACT."

Comments Invited

Interested parties are invited to submit comments on the proposed AC. Commenters must identify AC 23–8A, Change 1, and submit comments to the address specified above. All communications received on or before the closing date for comments will be considered by the FAA before issuing the final AC. The proposed change to AC 23–8A and comments received may be inspected at the Standards Office (ACE–110), Suite 900, 1201 Walnut, Kansas City, Missouri, between the hours of 7:30 a.m. and 4 p.m. weekdays, except Federal holidays.

Background

Federal Aviation Administration (FAA) AC 23–8A, issued February 9, 1989, added commuter airplanes to the original AC 23–8. Although many sections of part 23 were revised to accommodate commuter category airplanes, accelerated stall demonstration requirements in § 23.203 were not revised. These changes have been incorporated in this AC as proposed change number 1.

On January 25, 1990, a U.S. aircraft manufacturer filed a petition for rulemaking to eliminate the certification requirement for commuter category airplanes to demonstrate an accelerated stall. Their flight tests showed that the required maneuvers of § 23.203(a)(2) are not applicable to large, twin-engined, commuter category airplanes designed for airline service. The manufacturer stated that most large, twin-engine airplanes have high power to weight ratios and can attain extremely high angles of attack at relatively low airspeeds without stalling, making an inadvertent accelerated stall during flight operations extremely unlikely. Also noted was that transport category airplanes, part 25, are not required to demonstrate accelerated stalls.

Following the petition, the FAA requested the Aviation Rulemaking Advisory Committee (ARAC) to review the petition and make a recommendation for its disposition. The ARAC was chartered in February 1991 to provide recommendations to the FAA Administrator on aviation safety rulemaking. The Accelerated Stalls Working Group of the ARAC's General Aviation and Business Airplane (GABA) Subcommittee reviewed the petition. This working group and the parent subcommittee recommended that the FAA revise the certification standards and accompanying guidance material for commuter category airplanes as proposed in the petition. The FAA agrees with the subcommittee's recommendation and has determined that the most efficient way to implement the change to the AC is to cancel the existing pages 77 and 78 and replace with new pages 77 thru 78–1 (and 2), to incorporate this limited change.

Issued in Kansas City, Missouri, February 1, 1993.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–13312 Filed 6–4–93; 8:45 am]

BILLING CODE 4910–13–M

federal register

Monday
June 7, 1993

Part VI

Department of the Interior

Bureau of Indian Affairs

Flathead Indian Irrigation Project, Montana; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Flathead Indian Irrigation Project, Montana

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs is proposing an increase of $.65 per acre in the assessment rate for operating and maintaining the Flathead Indian Irrigation Project. The proposed assessment rate is $18.45 per acre. In addition, the Bureau is proposing a Special Assessment ranging from $1.00 to $2.50 per acre to cover the cost of special construction projects.

DATES: Interested parties may submit written comments no later than 30 days after publication of this notice in the **Federal Register.**

ADDRESSES: Written comments on the proposed rates should be sent to Stanley Speaks, Portland Area Director, Portland Area Office, Bureau of Indian Affairs, 911 NE 11th Avenue, Portland, Oregon 97232–4169.

FOR FURTHER INFORMATION CONTACT: Stanley Speaks, Portland Area Director, Portland Area Office, Bureau of Indian Affairs, 911 NE 11th Avenue, Portland, Oregon 97232–4169. Telephone number (503) 231–6702.

SUPPLEMENTARY INFORMATION: This notice sets forth proposed changes to the irrigation operation and maintenance charges and a proposed Special Assessment for the Flathead Indian Irrigation Project, St. Ignatius, Montana. These charges were proposed pursuant to the authority contained in the Act of April 4, 1910, c. 140, sections 1 and 2 (36 Stat. 272), as amended, 25 U.S.C. 385; 25 CFR, § 171.1.

This notice of proposed change in the irrigation operation and maintenance rates and of a Special Assessment is published under the authority delegated to the Commissioner of Indian Affairs and the Deputy Commissioner of Indian Affairs by the Secretary of the Interior in Secretarial Order Number 3150, Section 7b, and in accordance with the Code of Federal Regulations, Title 25, § 171.1, which authorizes the Area Director to fix and announce irrigation operation and maintenance assessment rates for the Flathead Indian Irrigation Project for calendar year 1994 and subsequent years.

The purpose of this notice is to announce a proposed increase in the assessment rate commensurate with estimates of the normal irrigation operation and maintenance costs on the Flathead Indian Irrigation Project. Normal irrigation operation and maintenance is defined as all routine activities involved in delivering irrigation water. The assessment rate is proposed to increase from $17.80 to $18.45 per acre, an approximate 3.7 percent increase. If the proposed rate becomes final, it will apply to all irrigated lands served by the Flathead Indian Irrigation Project during the 1994 irrigation season and subsequent years.

In addition, this notice announces a proposed Special Assessment, ranging from $1.00 to $2.50 per acre. This Special Assessment is necessary for repair and replacement of specific irrigation structures, the cost of which is beyond normal irrigation operation and maintenance budgeting. The identity of the specific projects and the amount of the Special Assessment will be determined following meetings scheduled with local water users. The projects under consideration include but are not limited to the following: Hubbard Dam needle valve replacement; Jocko "K" Canal lining, Post "A" Siphon; Moiese "A" flume; Pablo Feeder Canal—North Dike lining; Flathead River Pumping Plant modernization; Pablo Feeder Canal lining at various locations (37 miles total); and, Jocko "K–10" and "K–14" Pipelines. If adopted, the Special Assessment will be collected for the 1994 billing year.

Payment

The irrigation operation and maintenance charges and the Special Assessment on the trust and non-District lands become due on April 1 each year. The lands within an Irrigation District will be billed bi-annually, May 31 and November 31 of each year.

Interest and Penalty Fees

Interest and penalty fees will be assessed, where required by law, on all delinquent irrigation operation and maintenance assessment charges as prescribed in the Code of Federal Regulations, Title 4, part 102, Federal Claims Collection Standards; and 42 BIAM Supplement 3, § 3.8, Debt Collection Procedures. Interest and a penalty for each month, or fraction thereof, will be added to all assessments on lands in non-Indian ownership which remain unpaid 60 days after the due date. (Indian lands will not be assessed a penalty.) No water shall be delivered to any farm unit until all irrigation charges have been paid.

Dated: May 26, 1993.

Woodrow W. Hopper,

Deputy Commissioner of Indian Affairs.

[FR Doc. 93–13332 Filed 6–4–93; 8:45 am]

BILLING CODE 4310–02–M

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Monday, June 7, 1993

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ELECTRONIC BULLETIN BOARD

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $775.00 domestic, $193.75 additional for foreign mailing.

Mail orders to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954. All orders must be accompanied by remittance (check, money order, GPO Deposit Account, VISA, or Master Card). Charge orders may be telephoned to the GPO Order Desk, Monday through Friday, at (202) 783–3238 from 8:00 a.m. to 4:00 p.m. eastern time, or FAX your charge orders to (202) 512-2233.

Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869-019-00001-1)	$15.00	Jan. 1, 1993
3 (1992 Compilation and Parts 100 and 101)	(869-019-00002-0)	17.00	[1] Jan. 1, 1993
4	(869-019-00003-8)	5.50	Jan. 1, 1993
5 Parts:			
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1200-End, 6 (6 Reserved)	(869-019-00006-2)	21.00	Jan. 1, 1993
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27-45	(869-019-00008-9)	13.00	Jan. 1, 1993
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2000-End	(869-019-00025-9)	12.00	Jan. 1, 1993
8	(869-019-00026-7)	20.00	Jan. 1, 1993
9 Parts:			
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11	(869-017-00034-5)	12.00	Jan. 1, 1992
12 Parts:			
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220-299	(869-019-00037-2)	26.00	Jan. 1, 1993
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13	(869-019-00041-1)	28.00	Jan. 1, 1993
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140-199	(869-019-00044-5)	12.00	Jan. 1, 1993
200-1199	(869-019-00045-3)	22.00	Jan. 1, 1993
1200-End	(869-019-00046-1)	16.00	Jan. 1, 1993
15 Parts:			
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300-799	(869-019-00048-8)	25.00	Jan. 1, 1993
800-End	(869-019-00049-6)	19.00	Jan. 1, 1993
16 Parts:			
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150-999	(869-019-00051-8)	17.00	Jan. 1, 1993
1000-End	(869-019-00052-6)	24.00	Jan. 1, 1993
17 Parts:			
1-199	(869-019-00054-2)	18.00	Apr. 1, 1993
200-239	(869-017-00055-8)	17.00	Apr. 1, 1992
240-End	(869-017-00056-6)	24.00	Apr. 1, 1992
18 Parts:			
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280-399	(869-017-00059-1)	14.00	Apr. 1, 1992
*400-End	(869-019-00060-7)	10.00	Apr. 1, 1993
19 Parts:			
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200-End	(869-017-00062-1)	9.50	Apr. 1, 1992
20 Parts:			
1-399	(869-017-00063-9)	16.00	Apr. 1, 1992
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500-End	(869-017-00065-5)	21.00	Apr. 1, 1992
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100-169	(869-017-00067-1)	14.00	Apr. 1, 1992
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600-799	(869-017-00072-8)	7.00	Apr. 1, 1992
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*1300-End	(869-019-00074-7)	12.00	Apr. 1, 1993
22 Parts:			
*1-299	(869-019-00075-5)	30.00	Apr. 1, 1993
300-End	(869-017-00076-1)	19.00	Apr. 1, 1992
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200-499	(869-017-00079-5)	32.00	Apr. 1, 1992
500-699	(869-017-00080-9)	13.00	Apr. 1, 1992
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1700-End	(869-017-00082-5)	13.00	Apr. 1, 1992
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§§ 1.61-1.169	(869-017-00085-0)	33.00	Apr. 1, 1992
§§ 1.170-1.300	(869-017-00086-8)	19.00	Apr. 1, 1992
§§ 1.301-1.400	(869-017-00087-6)	17.00	Apr. 1, 1992
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§§ 1.641-1.850	(869-017-00090-6)	19.00	Apr. 1, 1992
§§ 1.851-1.907	(869-017-00091-4)	23.00	Apr. 1, 1992
*§§ 1.908-1.1000	(869-019-00093-3)	26.00	Apr. 1, 1993
§§ 1.1001-1.1400	(869-017-00093-1)	19.00	Apr. 1, 1992
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*2-29	(869-019-00096-8)	23.00	Apr. 1, 1993
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50-299	(869-017-00098-1)	15.00	Apr. 1, 1992
300-499	(869-017-00099-0)	20.00	Apr. 1, 1992
500-599	(869-019-00101-8)	6.00	[4] Apr. 1, 1990
600-End	(869-017-00101-5)	6.50	Apr. 1, 1992

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27 Parts:			
1–199	(869–017–00102–3)	34.00	Apr. 1, 1992
200–End	(869–019–00104–2)	11.00	[5] Apr. 1, 1991
28	(869–017–00104–0)	37.00	July 1, 1992
29 Parts:			
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200–End	(869–017–00127–9)	23.00	July 1, 1992
34 Parts:			
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35	(869–017–00131–7)	12.00	July 1, 1992
36 Parts:			
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200–End	(869–017–00133–3)	32.00	July 1, 1992
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38 Parts:			
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40 Parts:			
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190–259	(869–017–00146–5)	16.00	July 1, 1992
260–299	(869–017–00147–3)	36.00	July 1, 1992
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790–End	(869–017–00152–0)	25.00	July 1, 1992
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1, 1–1 to 1–10		13.00	[3] July 1, 1984
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42 Parts:			
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400–429	(869–017–00158–9)	23.00	Oct. 1, 1992
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43 Parts:			
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45 Parts:			
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47 Parts:			
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48 Chapters:			
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50 Parts:			
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

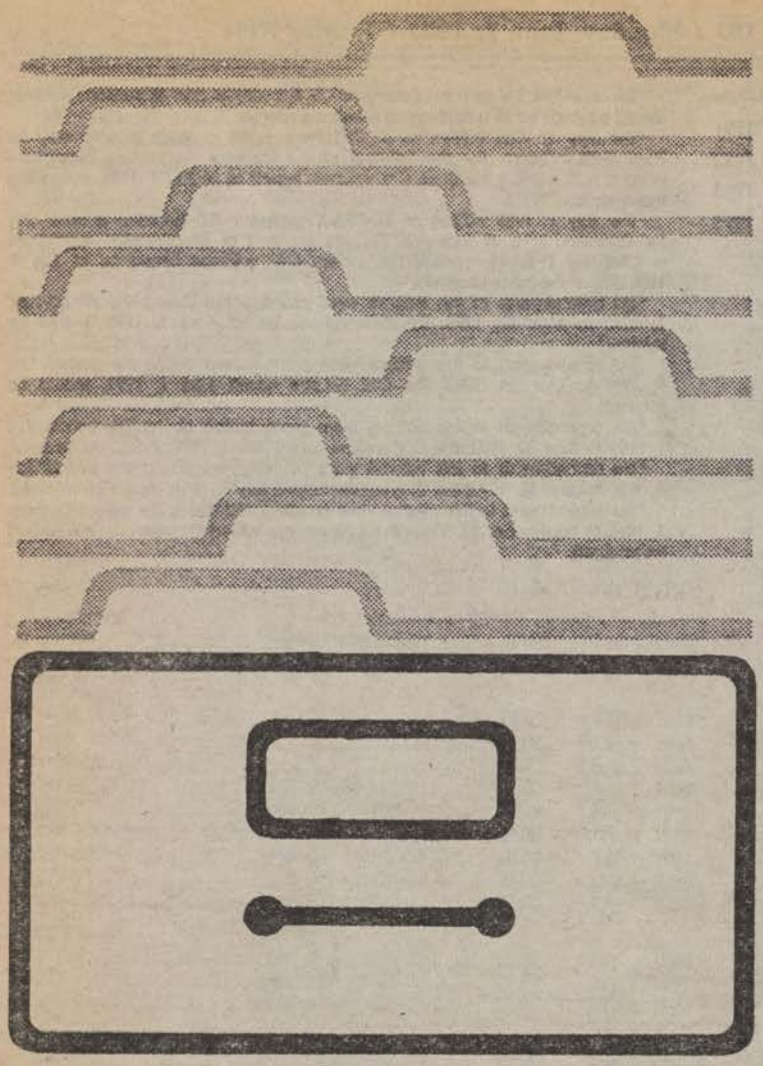
[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1993. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period Apr. 1, 1991 to Mar. 31, 1993. The CFR volume issued April 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1992. The CFR volume issued July 1, 1989, should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1992. The CFR volume issued July 1, 1991, should be retained.

[8] No amendments to this volume were promulgated during the period October 1, 1991 to September 30, 1992. The CFR volume issued October 1, 1991, should be retained.



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